

MR. DEPUTY CHAIRMAN : Mr. Om Mehta has made the position very clear. Let us see what the Government has to say on the points raised. It is lunch time. The House stands adjourned till 2.00 p. m.

The House adjourned for lunch at two minutes past one of the clock.

2 P. M.

The House reassembled after lunch at two of the clock. THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair.

THE MEDICAL TERMINATION OF PREGNANCY BILL, 1969—Contd.

SHRI A. D. MANI (Madhya Pradesh) : Mr. Vice-Chairman, Sir, I want to congratulate the Joint Committee as well as the Government for formulating this Medical Termination of Pregnancy Bill. Unfortunately, this Bill has not received the publicity that it deserves. In other developed countries in the world, an issue of this kind would have been publicised in a very extensive form in all newspapers. But here we have had only scant notice for the provisions of this Bill.

Sir, I am in general agreement with this Bill, with reservations on certain clauses. I would like to draw the attention of the Minister to clause 3, Explanation II, where it is laid down :

"Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman."

You see, Sir, that in this clause there is reference only to the husband and the woman. In other words, from my reading of this Bill, this Bill is confined only to the married persons. We have got to take into account the plight of the unmarried mothers also who might have been led astray.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : How can an unmarried woman have pregnancy ?

SHRI A. D. MANI : Because it is a natural human function. I feel that if we are going to be progressive in this matter and we are going to give this privilege to married women, we should also take into account the cases of the unmarried mothers. I have got very good ground for saying that their plight should be considered because in clause 3 of the Bill it is stated :

"If the registered medical practitioner feels that the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health", the pregnancy may be terminated.

If it is a question of mental health, is it only of the married persons ? This is a very serious lacuna in the Bill. While we are trying to go forward we are also halting back. If some girls have been led astray and they become unmarried mothers and they feel that their career would be ruined and they would be held objects of shame, the State should give some support to the persons concerned. One of the Members who spoke from this side yesterday said that in the Soviet Union there is no illegitimacy at all because even an illegitimate child is taken care of by the State. I feel that the Government should have some rethinking done on this subject and go forward with the implications of Clause 3 of this Bill and try to bring an amending Bill giving this benefit to the unmarried mothers also.

I would like to go on to Clause 4 of the Bill which says—

"No termination of pregnancy shall be made in accordance with this Act at any place other than—

(a) a hospital established or maintained by Government, or

(b) a place for the time being approved for the purpose of this Act by Government".

Under sub-clause (b)—a place for the time being approved—there is likely to be widespread abuse of the facility given. I feel that if any abortion is to be performed, it must be performed only in a hospital maintained by the Government. In this connection I would like to draw the attention of the honourable Minister to the practice prevailing in teq

United States. I have got a lot of documentation on the subject. In the State of New York operation can be performed only at certain hospitals specified by the State authorities. We should not authorise any private clinic or nursing home to perform these operations. In the rules which the Central Government is empowered to make under Clause 6 of the Bill we should lay it down that this shall be done only in a hospital maintained by the Government, State Government or Central Government, as the case may be. I have referred to the case of New York. I have seen that in New York there is a good deal of statistical material. Before an operation is performed they try to see whether the blood bank has properly stopped because as a result of the operation, as a result of perforation during the operation, there is likely to be a good deal of haemorrhage. Now, do we have a satisfactory blood bank in our country? The honourable Minister knows we are starved of blood banks in our country. Particularly in many States, certainly in small towns, there is no likelihood of there being a substantial blood bank. I feel, therefore, that the Government should specify only a few hospitals for the time being for the performance of the operations and in the meantime ask for blood donation from persons who will contribute blood to the blood banks so that the mothers can be saved if as a result of the operation the mothers suffer substantial haemorrhage.

The other point I would like to mention is that there is a reference in Clause 3 of the Bill to the mental health of the person concerned. It has happened in the experience of many of us that an abortion itself produces a certain amount of psychosis. We should have psychiatric help at these hospitals before a person agrees to undergo an operation. There must be psychiatric advising done for the person concerned in order to persuade the person concerned to see that the operation is avoided. It should not be made available just for the asking. I would like to mention to the House that in Great Britain when the abortion laws have been liberalised there has been a rush of visitors from all over Europe and the British Medical Council is now thinking in terms of tightening up the abortion laws of Great Britain in order to prevent the influx of visitors. Now, we should not allow anybody who wants an abortion just to go to a medical practitioner and say her mental health is

affected. There should be a proper examination because what the Pope said when Dr. Chandrasekhar met him is a point of view that we have got to bear in mind. The Pope said that we should interfere with the source of life. If there is to be any interference, it must be for a very good cause.

I would like to point out to the Minister that there is a likelihood of a good deal of difficulty because of Explanation II under clause 3 which refers to failure of any device or method used by any married woman or husband. This has to be done on the basis of trust. We cannot have photographic evidence for the failure of a condom. How are we going to prove these things? You have put it down in the Bill. The moment you put it down as a statutory obligation, the doctor is bound to ask: "What Nirodh did you use or what condom did you use"? Shri Kumaramangalam knows that these questions will be asked.

SHRI KRISHAN KANT: How does he know?

SHRI A. D. MANI: He is a lawyer. I am only saying that once you put down as a statutory obligation, the doctor has to discharge that statutory obligation. When you tell him that a condom has failed, he has got to prepare a case for it. He has to ask for details and evidence. Who can produce evidence for the failure of a condom or Nirodh? You are making the Act a laughing stock by putting this in the Explanation. All that I would like the Minister to accept is the version of the person concerned. When she or he says that the device has failed, that should be accepted. That should be sufficient for the purposes of this Act. But we have not taken up that bold and straight forward position. You say that the medical officer has to certify that. I do not want medical practitioners to put difficulties in the way of those persons who want to get the benefit of this Bill.

The third point I would like to make is this. In Japan they have liberalised abortion laws and the population growth has been curtailed by 15 per cent. We are now in the neighbourhood of 540 or 560 millions. We would also like our population to be controlled. Then the population cannot be controlled only by substantial State help. I am glad that the

[Shri A. D. Mani]

production of Nirodh has been taken up in the public sector. I believe it is being manufactured in Trivandrum. If these operations are to be performed, I would like them to be performed free of charge. I am mentioning this point because the experience in United Kingdom has shown that for these operations as much as £5,000 are being charged. We do not want even hospitals to charge fees for the operations. If it is part of the family planning programme, we should like these operations to be performed free of charge so that some incentive is given to those persons who come forward to undergo these operations. I feel that this sort of help is necessary for giving impetus to our family planning programme and I do hope that the Minister will circularise State Governments, convey to them the wishes of the Members of Parliament and convince them that they should accept it as part of the State government's share in this programme. I feel that this Bill deserves widest possible support.

I would like to mention one rather sensitive matter. Fortunately very few in this country know the implications of this Bill. Sir, Nirodh is being widely advertised by the advertising media also. We are liberalising abortion laws. We have also to make it known to the people concerned. How many people know that this matter was discussed in the Rajya Sabha and Mr. Mani spoke and others also spoke? Very few people know about it. Since you are popularising the family planning devices, you should, in a very discreet way, without hurting anybody's feelings, publicize this fact that abortion can be done in certain circumstances for persons who are in need of it, because people in the villages do not know the advantages that are going to accrue to suffering mothers if this Bill is passed.

Sir, I hope this Bill would be passed by this House without any dissent because we are just marching ahead with other countries in regard to social reform and in regard to adoption of recognised methods for the termination of pregnancies. I know, Sir, one of the witnesses who appeared before the Joint Committee, Dr. Maricar, had expressed the view that abortions are dangerous. Any kind of operation is dangerous including the prostate gland operation, as you all know. But the responsibility is taken by

the guardian concerned or the person concerned. I would like to tell the Minister that it is not the husband, but it is the wife who really comes into the picture. If she does not want to bear a child, she should not be compelled to bear it. Now, Sir, with regard to the Explanation 2 under Clause 3, there is one more observation that I would like to make. Sir, it is not only the failure of a condom sheath which occurs that can justify an operation. It so happens that the conjugal bliss is lost for some time, the couples get separated, there is mental disparity between one person and another, there is difference between the husband and the wife and the wife feels that she should not bear the child and so on.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have considerable experience in this.

SHRI A. D. MANI: Sir, I am putting it as an argument, because you are putting this as one of the explanations in this Bill. Therefore, Sir, I feel that this matter should be gone into with great care and I hope this Bill would receive the widest acceptance in this country and advantage will be taken of it by the mothers concerned before the operations are done provided those operations are done in the interest of their physical and mental health. Thank you.

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): Mr. Vice-Chairman, Sir, I congratulate the new Minister for having brought this Bill before us. He is a very sincere person and I have every hope and I am confident that he will see that all the Acts that have been passed even during his predecessor's time and during his time also will be implemented and implemented seriously and with the proper perspective.

Sir, with regard to this Bill, I am intimately connected with it because this Bill was mooted when I was the Health Minister in West Bengal and so, Sir, I am fully prepared to accept and support this Bill. But I have one or two suggestions to make for the improvement of this Bill.

Sir, if you see Section 3, sub-section (1), you will find that the medical practitioners who were otherwise to be penalised under the

Indian Penal Code for having done any operations to terminate pregnancy before passing this legislation will not hereafter be penalised and therefore, there will be no necessity for having another Clause as Section 8 to give a blanket support and blanket defence for the medical practitioners who will undertake the operation. Sir, when a medical practitioner or a registered medical practitioner or a doctor in a hospital performs any operation even if the patient dies on the table, the medical practitioner, even if he is hauled up before the Court by the relations of the patient who dies, is protected by law if he can prove that he acted in good faith and according to the best of his ability as a surgeon. So, Sir, I think that to include clause 8 in this Bill which envisages that no suit or other legal proceedings shall lie against any registered medical practitioner for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act is not necessary. This is superfluous. This is redundant. If it is not, then inclusion of clause 8 is very mischievous. I am very apprehensive about it, because first we know that any medical practitioner, any best of surgeons, performing an operation is covered by the general practitioners' law that if he acts in good faith then he is not held up before the court or he is not penalised. Why do we prevent a person from going to that court to sue him? Why give him this blanket support? You don't have to give then blanket support like this that even if during the operation any patient dies the relations will have no legal redress against him. This is going too far and I want to oppose it and I will suggest the deletion of clause 8. I hope the Minister will apply his mind to this, because under the democratic system, I have every right to go to the court for legal redress of my grievance. Why do we prevent him from going there? It is for the court to see whether the person whom I am suing against, has done it in good faith or not. Why do you accept it that whatever he did, he did it in good faith and no legal case will lie before any court of law? So, please delete that clause.

Sir, my second suggestion is about the registration of medical practitioners. Medical practitioners are registered under the Indian Medical Council Act, 1956, under a Schedule. Unless and until you change and improve that Schedule, you cannot under this Act qualify and

re-classify who will be a registered medical practitioner. Registered medical practitioners are registered under a specific Act and the schedule under that and unless and until you change that schedule or improve that Schedule, under this Act you cannot modify and re-classify a medical practitioner. And what is the necessity for that? If we are serious about this Act, do we think we have enough gynaecologists and other experts for performing the operations. If that be so, then limit their activities within the hospital only. Don't recognise any other private chamber to have that operation.

My third suggestion will be about the period, the length of the pregnancy. Sir, if you go to clause 3, sub-clauses (2) (a) and (b), you will see :

“(a) ...where the length of the pregnancy does not exceed twelve weeks, or

(b) not less than two registered medical practitioners, acting together, where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks..”

Sir, I want to delete this sub-clause (b). It will be hazardous for any women to undergo an operation when the period of pregnancy is so much advanced. So don't rely on any expert opinion of a medical practitioner. If to save the mother, the medical practitioner or any doctor feels that any operation is necessary at any period or length of time or at any period of pregnancy, the medical practitioner has every right to perform the operation, whatever the pregnancy period may be. Why specifically mention the weeks here? We should only keep under clause 8, sub-clause (2), and delete (b) altogether. The permission that you are seeking in sub-clause 3 (4) (c) where the provision is that “no pregnancy of an unmarried girl, who has not attained the age of eighteen years, shall be terminated except with the consent in writing of her father or of her guardian if her father is not alive”, is very good; it is a very good provision made. But what about the lunatics, and why do you include them in the same Clause? The question of pregnancy of a lunatic is a different one and a lunatic should not bear a child. Also no husband should force a lunatic woman to bear a child because that will not only be a health hazard for the woman but will also

[Shrimati Purabi Mukhopadhyay]
 tell on the child that is born. I know of many pitiable instances of the children produced by a lunatic mother or a lunatic father. So why only say that the mother, if she is a lunatic, then she will be in a position to terminate her pregnancy? What about her husband? Now, if the husband is a lunatic, if the husband is suffering from some congenital disease, if the husband is suffering from some mental disorder or any other equally serious disease which is a health hazard, which will affect the health of the children if born, the pregnancy caused by such a husband, whether the woman is a lunatic or not, that pregnancy also should be terminated. So I want to add another sub-clause here about the husband's conditions of health, mental and physical. I think I should make myself clear to the House and to the Minister. Here we are only discussing the question of a lunatic mother. But I am discussing also the question of the parentage. The father, if he is a lunatic, will you in that case allow his wife to carry a child in full length and go to confinement, knowing fully well that the child to be born may be an abnormal child? If the father is suffering from some congenital disease if the father is suffering from some disease which may have a hereditary effect on the child, do you mean to say that under this Bill, even though we are legalising abortion, we will allow that woman to continue with that pregnancy, go to confinement and give birth to the child, which is sure to have a very bleak future? So many congenital, blind children you find in India. What is the reason for that? Is it for any eye-disease, or is it for any hereditary disease which was not tackled in an uneducated and undeveloped society? When you are introducing this new law for liberalising abortion include the father also. Don't penalise the woman only. Somebody was suggesting legalising abortion as a method of family planning. Sir, I thoroughly oppose that. Abortion as a method of family planning has not been accepted in India, will never be accepted in India. The countries, which accepted abortion as a method of family planning, have retraced their steps and they have again put restrictions on that legalising Act. So I do not consider abortion as a method of family planning. Again I want to warn the Health Ministry against repeated abortions. Where is the Clause for that, to prevent repeated abortions? If a wife is coerced

to go to a doctor for repeated abortions to help the husband or the man, I thoroughly oppose it. So please include another Clause for preventing repeated abortions. I think I have made myself clear about these three things.

SHRI BHUPESH GUPTA : Have you tabled any amendments for these ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) She is suggesting the amendments. She wants to include lunatic men also in the Clause. You were not here then.

SHRI BHUPESH GUPTA : Since she is making a number of suggestions I want to know if she has given the amendments.

SHRIMATI PURABI MUKHOPADHAYA : Mr. Vice-Chairman, Sir, the Minister is in a position to introduce on the floor of the House any amendment that he thinks fit to suit the purpose of the points that I am making.

So, my submission to the Minister in charge of this department—both the Ministers are here—is : let them introduce a short-notice amendment on the floor of the House to include this thing. I am sorry I was not here when the Joint Committee was there. So I had no occasion to place my viewpoints before them. So I have to take the opportunity of speaking in the House.

Clause 4 of the Bill says :

“No termination of pregnancy shall be made in accordance with this Act at any place other than—

(a) a hospital established or maintained by Government, or

(b) a place for the time being approved for the purpose of this Act by Government.”
 Dr. Mani was suggesting . . . (Interruptions) . . .

SHRI G. A. APPAN : Mr. Mani; he is a homoeopathic practitioner.

SHRIMATI PURABI MUKHOPADHYAY : Maybe he is a quack. That quack Mr. Mani was suggesting that abortions will be made only in the hospitals. You know, the bed patient ratio in our country is very low. The number of beds that are available does not cater sufficiently to the needs of the emergency

patients, and he was telling us about blood banks. I do not really see the possibility of collecting blood for transfusion in the case of an emergency. But that should not prevent us from going in for this progressive legislation. The bed-patient ratio is so very low in India that we have only 8 beds for every thousand—I am quoting last year's figure. So, if it is only 8 beds for every thousand persons, we cannot consider this suggestion that only the hospital beds will be utilised for abortion. We should also utilise the private clinics and the doctors' chambers with sufficient power in the hands of the State Governments and the Government of India to supervise, to check and even to surprise-check the equipment and other arrangements. About this suggestion I entirely agree with the Minister but I do not think...

SHRI BHUPESH GUPTA : You should have given some amendments. That can be done even now.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You always give advice when it is not wanted.

SHRI BHUPESH GUPTA : No, Sir. I was saying that she has made certain good suggestions. She says now they should be accepted. We will be called upon to vote on the Bill now. Therefore I was suggesting that...

SHRIMATI PURABI MUKHOPADHYAY : You accept the Bill as it is. The Minister will agree to amend in future. I do not want to hold up the Bill.

SHRI BHUPESH GUPTA : Sir, I suggest that for the sake of the mental and physical health of the House let the pregnancy be terminated now.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That is not your field...*(Interruptions)*...

SHRI BHUPESH GUPTA : Sir, it is a very constructive suggestion.

SHRI A. G. KULKARNI : Whose pregnancy are you terminating ?

SHRI BHUPESH GUPTA : The pregnancy of this House.

(Interruptions)

SHRIMATI PURABI MUKHOPADHYAY :

Sir, we are talking about progressive legislation and some of the Members were showing how progressive we are. We are such progressive persons that we cannot discuss this thing scientifically and without cutting jokes about women who have to undergo very tragic circumstances. I do not want this thing to be taken lightly...*(Interruptions)*...

SHRI BHUPESH GUPTA : Tomorrow you can talk.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Shri Bipinpal Das.

SHRI BHUPESH GUPTA : Now nothing will be done.

SHRIMATI PURABI MUKHOPADHYAY : All right.

SHRI BIPINPAL DAS (Assam) : Mr. Vice-Chairman, Sir, I look at this Bill not so much from the technical point of view but from the social point of view and from that angle I congratulate the Government for coming forward with this Bill before us.

In the course of this debate and in the Minutes of Dissent recorded in this Bill, some Members have raised objections to this Bill on certain grounds. The first ground on which one Member has given the Note of Dissent is that an abortion is equivalent to murder. I do not understand this logic as to how there can be murder before life comes into existence. That does not stand. Secondly, the argument is that it affects the health of the mother. Certainly before operating on the woman, the surgeon concerned would certainly consider the question of the health of the mother and if the health of the mother does not permit, no such operation can be done. Therefore such arguments cannot stand in the way of the passing of this Bill. Then it has been said that this is a Western idea brought into Indian conditions, that the Western idea does not fit into our conditions. In modern society, because science is so developed in the West, so many Western ideas have come into our lives. We have accepted so many Western ideas. The Members who talk so much about Indianism and object so much to foreign ideas have themselves perhaps in their daily habits adopted so many Western ideas—in their dress, in the

[Shri Bipinpal Das]

manner of living, taking food and all that. We have accepted them. On this question of a scientific matter, there is no such thing as Western idea, or Indian idea. If a Western idea is good, what is wrong in accepting it? This parliamentary democracy, this very House have come from Western ideas. Therefore that is an absolutely ridiculous argument against this Bill.

A very important Member in the Minute of Dissent has said that it amounted to interference with nature, that we cannot interfere with the will of God. This is a very serious argument from the Indian point of view where people are religious-minded. Are we not interfering with Nature in our daily life? Are we all accepting the will of God always? When you are ill, why do you take medicines? Nature would take you to the graveyard. Why are you sitting in this air-conditioned hall when people are suffering outside? In modern society science has taught us to understand Nature and apply it to remove the suffering of the people, in order to raise their standard of living, and this is one of those Bills which wants to remove the suffering of half of the population of this country. It must be looked at from that angle; otherwise in our daily life perhaps we interfere with Nature not less than one hundred times. Another argument is India has its own traditions, moral rules. One Member even quoted Gandhiji! Let us carefully examine what Gandhiji said. Do we follow Gandhiji? Mahatma Gandhi said that any sexual intercourse without the desire for a progeny is a sin. How many Members have followed this dictum? How many in the Indian society follow this moral rule? Gandhiji had his own ideals. He had his own standard. Everybody cannot be a Gandhi. We pass legislations not for Gandhis. We pass legislations for the common people of our society, the average man who has his strength and weakness, and therefore to bring in Gandhiji is not correct. I remember even Pandit Jawaharlal Nehru who in his autobiography had to oppose Gandhiji on this issue. He said "if that is a sin, I am the first sinner." In this world of Freud and Aedipus complex, nobody should speak about it. This was the language used by Pandit Nehru against Gandhiji's theory of sex morality.

About Indian traditions, yesterday Mr.

Bhadram very rightly referred to what traditions we had in the days of Mahabharata. I won't go into these details. Some hon. Member—perhaps it was Mr. Niranjan Varma—yesterday talked about this and said that if we pass this legislation it would encourage our young boys and girls to make love publicly.

SHRI SHEEL BHADRA YAJEE : Mr. Man Singh Varma, not Mr. Niranjan Varma.

SHRI BIPINPAL DAS : I am sorry, Mr. Man Singh Varma. He said that this Bill would encourage our young boys and girls to make love publicly. I do not want to go into the details of this question. But it is a very important question no doubt, a social question, a moral question. I would only say, India does not consist of only that world in which Mr. Man Singh Varma lives. This is a vast country; there are so many customs, so many rules, so many ideas, so many practices, in this country. If you go from one end to the other you will see the variations. About sex and love making perhaps the best book was written by an Indian author hundreds of years ago; the whole thing was dealt with very scientifically. That is our tradition, we must not forget it. Our tradition was not built up only since the days of Manu. Long before Manu our traditions had been built up. What about those pieces of art in Khajuraho and Konarak? What do they signify? What do they mean? How did they come into existence? How were these things done or allowed to be done by the society? Nobody can characterise these things as obscene. Indian concept of morality is painted as conservative and reactionary which really it is not.

SHRIMATI PURABI MUKHOPADHYAY : Mr. Varma's morality is only exploitation of woman.

SHRI BIPINPAL DAS : I am coming to that. I would make a very clear distinction between moral rules and human values. Human values are permanent, are fundamental, are eternal.

SHRI BHUPESH GUPTA : I thought in our country women have started exploiting men.

SHRI BIPINPAL DAS : I am making a very clear distinction between moral rules and human values. Human values are fundamental,

are eternal, are stable, but moral rules vary according to times and climes. What is moral here in Delhi may not be moral in Dibrugarh, what is moral in Delhi may not be moral in London. What is moral today may not be moral after a hundred years. Moral rules vary with the times.

SHRI S. D. MISRA : What is moral in the House may not be moral outside.

SHRI BIPINPAL DAS : We have to consider the whole question in this light. This question of morality is a very serious one. They have said that if we passed this Bill we would be simply giving licence to practise immorality. I want to ask a straight question to these gentlemen. A married couple is taking advantage of the licence given to them by the society through marriage and they practise their sex life without restraint. That is one picture. The other picture is an unmarried couple may be in love, may by an accident commit a mistake. Now, who is more immoral? I want to know. Is it the married couple taking advantage of the so-called permission given by society, practising sexual life recklessly, the husband thereby making the wife suffer for the whole of her life, or is it the young unmarried couple who by an accident commit a mistake? So this question of morality is a very deep one and it must be considered in that light. I would approach this question undoubtedly from the human aspect. With some of the clauses in this Bill I do not agree. Rather I would like to agree to some extent with what Mr. Chatterjee said yesterday. Some of the clauses are unnecessary, redundant. Some of the clauses inserted make this Bill not so liberal as it should have been. The basic question is that the woman must be given a place of honour in society, a place of equality with man. Man commits all kinds of things and he escapes. Woman cannot. Because of this natural phenomenon it is our task, those who want equality of treatment between man and woman, to legislate in such a way that even in this matter where nature places woman at a disadvantage...

SHRI LOKANATH MISRA : Why don't you change man into woman and woman into man? It would be best to change by legislation man into woman and woman into man.

SHRI BHUPESH GUPTA : That will fit him very well if this change were made in his case.

SHRI BIPINPAL DAS : Science of course has done it already. It is for Mr. Misra to decide whether he should undergo the operation. It is for him. I said the question before us is to give a place of honour and equality to the woman in society. In this particular case where she is at a disadvantage we should remove the disadvantage, and this Bill should have been drafted on one basic principle only and that principle is, it is the woman who will decide whether she wants to bear a child or not. This is the basic question. Why should we bring in all other questions, I do not know. Therefore, with these words I support this Bill but with one condition. The condition is, I do not want to hold up this Bill, let this Bill go, become an Act, but I want to tell the Minister that this Bill should be made really progressive if they mean business, and you should really do something which will liberate the status of woman in our society. Some of the clauses which were pointed out by Mr. Chatterjee the other day—I am not going to read out all those things—seem to be absolutely redundant. They restrict the progressive elements that were there in the idea of this Bill. I would request the Minister to consider all these questions and see whether he can come forward or he can convince the Government to come forward with a revised Bill or an amended Bill in future. With these words I support this Bill wholeheartedly.

Only one point which Mr. Mani raised to which I would like to refer. Mr. Mani said that these operations should not be allowed except in a hospital. Mrs. Mukherjee has already replied to that point. I would simply submit that since hospitals are very small in this country—it is a very vast country and we want to give this advantage, this privilege, to all women, to as many women as possible—even private nursing homes recognised by the Government and conducted by medical practitioners who are also recognised by the Government for the purposes of this Act should be allowed to admit such cases.

With these words I wholeheartedly support this Bill and congratulate the Minister for the Bill he has brought forward.

SHRI M. RUTHNASWAMY (Tamil Nadu): Mr. Vice-Chairman, I will take only a few minutes because it is only to register my protest against the passing of this Bill. Even if a large majority of this House is in favour of this

[Shri M. Ruthnaswamy]

Bill, I think the Bill should not go out of the House with the unanimous approval of the Rajya Sabha. Even if there are half a dozen who oppose the Bill, I think it should be recorded. First of all I oppose it because it is against the religious and social sentiments of the people. I oppose it again because it terminates life. Here I should like to say in passing : Why should Government adopt this round-about phraseology "termination of pregnancy"? Why not call it honestly and straightforwardly an Abortion Bill? It aborts life in its embryonic stage and rather do you stop it. If you can terminate life in the embryonic stage why not, as an eminent English judge had said, do it after the child is born? In fact, in the olden days there was infanticide. Infanticide was honest, they knew what they were doing. But here you throw a cloak of knowledge, semi-knowledge, over this practice. And then what problem are you going to solve by this Bill? You think that it will help to solve the problem of over population. It is a part of the family planning scheme. But will it succeed? How many abortions are you going to have in a year? If you say that it is going to effect a million abortions, it is unthinkable. We have not got the doctors, the hospitals, the clinics to cope with a million abortions a year. What is the use of this? After all these years of family planning, after spending so many crores, we have achieved only this result that in all these 15 years, 14 million births have been prevented. It is one million births per year. But one million are born very year. So, it is only a drop in the ocean that you create by this Bill and the other schemes of family planning. The fact is that it is another attempt of the Government to have an alibi to cover all their measures which have not solved the problems of poverty, not solved the problem of hunger or food or housing or clothing or work and the many problems with which the people of India are confronted. The Prime Minister and her party swept themselves into power on the election cry '*garibi hatao*', and immediately after they came into power, they bring forward this Bill. For what purpose? For '*garibi hatao*'? They want to solve the problem, '*garibi hatao*' by reducing the number of the *garib log*. It is all a part of their imitation of the western fashion. You want to be in swim of fashion. Recently England has passed an Abortion Bill. So India should also do the same thing. In the western countries family planning schemes are popular. So

we must follow suit. This attempt to keep up with the Joneses is behind this Bill as it is behind with all other such schemes.

SHRI BHUPESH GUPTA : What is the view of Rajaji?

SHRI M. RUTHNASWAMY : Mr. Vice-Chairman, on this ground that it is against the religious and social sentiments of the people that I oppose it. According to tradition, people want children till they have a son born to them and in view of this pre-occupation with fertility, how can this Bill or any other Bill which seeks to reduce the population by artificial means have any effect among the common people. It is only amongst a few sophisticated, educated people who do not want to bear the consequences of their act, who want to run away from the consequences of life, that this Abortion Bill is going to succeed.

So, not only from the standpoint of religious and social traditions but from the standpoint of the effectiveness of this measure it is a futile measure. You want to solve the problem of poverty through a Bill of this kind. I oppose the measure. It would not have any effect at all. On the other hand, it will produce an atmosphere of permissiveness in morality which will play havoc with the morals of our youth.

Therefore, Mr. Vice-Chairman, on these grounds, I oppose this Bill.

श्री बी० एन० मंडल (बिहार) : उपसभापति जी, मैं इस विधेयक का समर्थन करता हूँ। समर्थन करने के सिलसिले में मैं तीन बातों का जिक्र करना चाहता हूँ, जो इस बिल में हैं। प्रेगनेन्सी टर्मिनेट करने के तीन कारण इसमें दिए गए हैं, एक जो गर्भवती स्त्री है, उसकी जान का खतरा हो तो उस वजह से गर्भ टर्मिनेट किया जा सकता है, दूसरा मेंटल और फिजिकल हेल्थ पर बुरा असर पड़ने वाला हो तो टर्मिनेट करना चाहिए, तीसरा, यह कारण दिया गया है कि जो बच्चा उस गर्भ से पैदा होने वाला हो वह ऐसा न हो कि समाज पर लायबिलिटी साबित हो। मैं समझता हूँ कि जिन तीन बातों का जिक्र इसमें किया गया है, वे ऐसी बातें हैं जिनका असर समाज पर पड़ता है। मैं समझता हूँ कि यह अच्छा कन्सेप्शन

सरकार के दिमाग में आया है और इसलिए इस बिल का मैं समर्थन करता हूँ।

एक दूसरी बात की ओर भी मैं ध्यान दिलाना चाहता हूँ, जिसके बारे में हमारे पूर्व वक्ता ने और जनसंघ के सदस्य ने भी कहा था और वह यह है कि यह बिल हिन्दुस्तानी ट्रेडीशन के खिलाफ है, हिन्दुस्तानी संस्कृति के खिलाफ है। हम समझते हैं कि ट्रेडीशन कोई ऐसी चीज नहीं है जो स्थायी चीज है और सब दिन वह ट्रेडीशन रहनी ही चाहिए। ट्रेडीशन में हेरफेर हो सकता है, जो आज ट्रेडीशन होगी और जो आज हिन्दुस्तान की हालत है, उस हालत से वह बरी करेगी तो वह ट्रेडीशन बदली जा सकती है, यह मेरे सोचने का तरीका है। आज हिन्दुस्तान की क्या स्थिति है। आज जो स्थिति है उसमें एक बात यह भी है कि हमारी जनसंख्या बेशी है और उसके लिए बर्थ कंट्रोल एक उपाय के रूप में है। बर्थ कंट्रोल को हम अच्छा समझते हैं। जनसंख्या के सवाल को इग्नोर कर देना अच्छा नहीं है, इसलिए अगर बर्थ कंट्रोल की बात आज की जाती है तो वह ठीक ही है। उस सिलसिले में जो यह लेजिस्लेशन आया है, वह उसको सप्लीमेंट करता है, उसके मकसद को पूरा करता है। इसलिए हम समझते हैं कि यह ठीक लेजिस्लेशन है। जहां तक ट्रेडीशन की बात है, हिन्दुस्तान में अनेक तरह की ट्रेडीशन थीं। यह भी ट्रेडीशन थी कि एक आदमी एक स्त्री रखे, जिसकी मान्यता है आज भी, यह भी ट्रेडीशन थी कि एक आदमी 100-200 स्त्री रखे। महाभारत में देखते हैं पांच पांडवों के एक स्त्री थी, यह भी ट्रेडीशन थी। ट्रेडीशन समय-समय पर बदला करती है जरूरत देख कर। देश की जनसंख्या बेशी है, इसलिए बेशी जनसंख्या में मर्द की संख्या बेशी हो, स्त्री की कम हो तो बेशी हालत में एक मनुष्य को एक स्त्री से बेशी नहीं रखना चाहिए, यह ट्रेडीशन न हो तो कायम होनी चाहिए। अगर स्त्री की संख्या बेशी हो, मर्दों की संख्या कम हो, तो भी एक स्त्री का केवल एक हसबैंड रहना चाहिए, यह ट्रेडीशन न हो तो कायम होनी चाहिए। मेरे

कहने का मतलब यह है कि जो स्थिति की रियलिटी है उसको इग्नोर नहीं करना चाहिए।

श्री एस० डी० मिश्र : हर बार ट्रेडीशन बदले क्योंकि पापुलेशन पैटर्न तो बदलता रहा है ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Order, please. Let Mr. Mandal express his views. He has a right to express them.

श्री बी० एन० मंडल : इसलिए उस रियलिटी का सौल्यूशन हम लोगों को निकालना चाहिए। रियलिटी यह है कि हमारे यहां बहुत जनसंख्या है, इसलिए जनसंख्या रुके, बेशी न बढ़े। अगर बेशी न बढ़ने देना सम्भव नहीं हो सकता है तो जहां तक कम हो सके उसका इन्तजाम करना चाहिए। उसके लिए गवर्नमेंट ने बर्थ कंट्रोल किया है। वह तो है ही, उसके साथ ही कुछ दूर तक इसके जरिए भी जनसंख्या कम हो सकती है। इसलिए हम इस बिल को सपोर्ट करते हैं।

इसलिए हम समझते हैं कि आज जो हिन्दुस्तान की परिस्थिति है, उस परिस्थिति को देख कर के कुछ करना चाहिए। यह हो सकता है, होना भी चाहिए और इसमें भी थोड़ा इसका जिक्र आया है कि जो खराब बच्चा गर्भ से निकलने वाला है, जो समाज के ऊपर एक भार बन सकता है, उसका एबार्शन करवाया जा सकता है। आज साइंजिस जिस तरह से डेवलप कर रही है, उसमें यह संभव हो सकता है कि इस ढंग का इन्तजाम किया जाय, जिसमें बुरे बच्चों का जन्म हो ही नहीं। इस ढंग का इन्तजाम किया जा सकता है। साइंटिफिकली यह करने की जरूरत हो सकती है। या कोई नई बात नहीं होगी, क्योंकि हमने ऐसा पढ़ा है कि एथेंस के स्पार्टन में ऐसा कायदा था कि अगर कोई खराब बच्चा जन्म लेता था तो उसको पहाड़ पर गिद्ध और दूसरी चीजों के खाने के लिए छोड़ दिया जाता था।

ऐसी हालत में स्ट्रेगिल फार लाइफ जो समाज में चलता है, उसमें हमारा कौनसा कंडक्ट हैल्थफुल

[श्री बी० एन० मंडल]

होगा, कौनसा कंडवट विरोध करने वाला होगा, इस बात को देख कर के सारी बातों पर विचार करना चाहिए। इसलिये मैं यह समझता हूँ कि यह एक बहुत अच्छा बिल है और इस को पास होना चाहिये।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Now Mr. Yajee. Please limit yourself to five minutes.

SHRI SHEEL BHADRA YAJEE (Bihar) : For Mr. Rajnarain and Mr. Bhupesh Gupta there is no time-limit. Only when I get up you ask me to finish in five minutes.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I am only requesting you.

श्री शीलभद्र याजी : माननीय वाइस चेयरमैन महोदय, मैं इस विधेयक की तार्दद करता हूँ यद्यपि यह विधेयक बहुत सीमित है। होना तो यह चाहिये था कि जो माताएं यह कहें कि और ज्यादा लड़के पैदा नहीं करने हैं, उनको गर्भपात कराने की इजाजत होती। लेकिन अभी चूंकि हमें प्रो० रत्नस्वामी, श्री मान सिंह वर्मा और राजगोपालाचारी जी जैसे दकियानूसी और पुराने खयाल के लोगों के साथ रहना है और उनके साथ काम करना है, इस लिये हमें धीरे-धीरे काम को आगे बढ़ाना होगा।

माननीय वाइस चेयरमैन महोदय, अभी दुहाई दी गई नैतिकता की, धर्म की और भारतीय परम्परा में इन दकियानूसों को जरा परम्परा पढ़ाना चाहता हूँ कि परम्परा हिन्दुस्तान की क्या है। द्रौपदी के पांच पति थे। क्या पांच पतियों की आज भी परम्परा है। (इंटरप्शंस) इस लिए जो हमारी पुरानी दकियानूसी परम्परा है, उसको हमें तोड़ना होगा।

हमारे मान सिंह वर्मा जी ने हमें मनुस्मृति का हवाला दिया। हमने मनुस्मृति को हटा कर उसके स्थान पर अम्बेदकर स्मृति बना दी। हिन्दू कोड बिल तो अम्बेदकर स्मृति ही थी।

श्री सुन्दर सिंह भंडारी : याजी स्मृति बना दीजिए... (इंटरप्शंस)

श्री शीलभद्र याजी : वह भी बनायेंगे और आप लोगों का दूसरे ढंग से इलाज करेंगे। (इंटरप्शंस) अभी तो इसका बहुत ही सीमित क्षेत्र है। समय आने पर इसके क्षेत्र को और बढ़ाया जायगा। मैं यह कहना चाहता हूँ कि इनको सोचना चाहिए कि आज का समय क्या कह रहा है, दुनिया किस तरफ जा रही है और उसी तरह हमको भी चलना चाहिये। और उसके मुताबिक हमारे अम्बेदकर जी ने हिन्दू समाज की जो पुरानी रूढ़ि प्रथा थी उसको तोड़ कर नया हिन्दू कोड बनाया। बड़ी मुबालिफत हुई, उसको दकियानूसी लोगों द्वारा, लेकिन उन की कुछ चली नहीं। आज भी धर्म की दुहाई दी गयी। धर्म में यह सब कहाँ लिखा है, लेकिन उस के नाम पर लोग अत्याचार भी करते हैं और पाप भी करते हैं...

श्री एस० डी० मिश्र : माडर्न धर्म क्या है ? मनु स्मृति क्या है, जानते हैं आप ?

श्री शीलभद्र याजी : जब आप कांग्रेस ओ में चले गये तो दकियानूसी तो हो ही गये।

श्री एस० डी० मिश्र : उनकी पढ़ाई लिखाई से कब से ताल्लुक हुआ यह मैं जानना चाहता हूँ।

श्री शीलभद्र याजी : यह सारे रिएक्शनरी खड़े हो गये। (इंटरप्शंस) चाहे कांग्रेस ओ हो स्वतंत्र हो या जनसंघ हो, जब मैं चुभती हुई बात कहता हूँ तो उनको बुरी लगती है, लेकिन अगर कोई अच्छी बात हो तो उसे स्वीकार करना चाहिये, केवल लकीर के फकीर बने रहने से देश या समाज की भलाई होने वाली नहीं है। हमारे पूर्व वक्ता श्री मंडल जी ने ठीक ही बताया कि आज हमको समाज को बदलना है, इस लिए जो दकियानूसी खयाल के लोग हैं—प्रोफेसर रत्नस्वामी धर्म की दुहाई देने हैं—तो इससे काम नहीं चलेगा, समाज नहीं चलेगा, मान सिंह वर्मा के ट्रेडीशन और परम्परा की बात कहने से काम नहीं चलेगा।

SHRI LOKANATH MISRA : Let us old politicians give place to our sons and daughters so that they can live better.

श्री शीलभद्र याजी : देख लीजिए यह तो मैं आपको सिखा रहा हूँ और सिखाने का यही तरीका है। यह इसी तरह से सीखेंगे। इसलिए मैं कहता हूँ कि आपको विरोध नहीं करना चाहिए, क्योंकि यह बिल बहुत सीमित है। जो पुराने खयाल के लोग हैं, दकियानूसी हैं, पुरानी चाल के लोग हैं, वे सब पर्दे की आड़ में पाप करते हैं, भ्रूण हत्या करते हैं और बोलते नहीं हैं। उनमें हिम्मत है, लेकिन जब उसी चीज को हम लीगेलाइज करते हैं, तो चिल्लपों मचाते हैं।

श्री मान सिंह वर्मा : यह तो खुल कर पाप करना है।

श्री शीलभद्र याजी : हम उसका इलाज कर रहे हैं। तो इसमें देरी करने की जरूरत नहीं है। A nod is enough for the wise. समय के अनुसार चलें। यह ठीक है कि जिस प्रकार से हमारी जनसंख्या बढ़ रही है उसके अनुसार इसमें व्यवस्था नहीं है, लेकिन अच्छी चीज थोड़ी भी हो तो स्वीकार करनी चाहिए। एक माननीय सदस्य ने कहा कि यह फैमली प्लानिंग के लिए आ रहा है। फैमली प्लानिंग का विचार इसमें नहीं है, लेकिन जब एक साल में एक करोड़ बच्चे पैदा होंगे और एक योजना में हम दो, तीन करोड़ को ही नौकरी दिला पायेंगे तो बेकारों की जमात जो होगी वह क्या करेगी ?

SHRI LOKANATH MISRA : Let us all die at 50 in order to make room for our youngsters. I am prepared to die at 50.

श्री शीलभद्र याजी : आप भी दिल से हमारे साथ हैं चूंकि उस पार्टी में आप लग गये हैं, इसलिए लाचार हैं। राजा जी की पार्टी में जाने के बाद जो राजा जी बोलेंगे, जो रत्नस्वामी जी बोलेंगे, वही लोकनाथ मिश्र जी भी बोलेंगे। यह जो फैमिली प्लानिंग का तरीका चल रहा है, उससे तो काम चलने वाला नहीं है। उससे

बेकारों की समस्या का समाधान नहीं होगा। भुक्खड़ों की करोड़ों की जमात आयेगी। तो इस सदन को तैयार होना चाहिये अगले विधेयक के लिए। इसका स्कोप बढ़ेगा और बढ़ाना पड़ेगा नहीं तो समाज का भी कल्याण नहीं और हमारा भी कल्याण नहीं।

इन शब्दों के साथ यह जो सीमित बिल है, इसका मैं तहेदिल से समर्थन करता हूँ। जयहिंद।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Appan. Please be brief.

SHRI G. A. APPAN (Tamil Nadu) : Mr. Vice-Chairman, Sir, I have to...

SHRI A. D. MANI : Please raise your voice. We cannot hear otherwise.

SHRI G. A. APPAN : Sir, I have to support this Bill with the following points. The Government is spending so much money on family planning. They are advocating birth control. There are many techniques also advocated for birth control and family planning and we are wasting so much money also.

SHRI A. D. MANI : Why do you say 'wasting' ?

SHRI G. A. APPAN : I am just going to say how it is a waste. Family planning and birth control methods are being practised by people who are able to realise the difficulties and the consequences. What happens then ? The educated people and the enlightened people are only few compared with the uneducated and the unenlightened many. If ninety persons out of a hundred do not adopt family planning and only ten persons adopt such methods, then people multiply like frogs. But, instead of trying to do that, we are trying, the Government is trying, even to reward people who adopt family planning methods and we give all the encouragement and we give them education and we give bonus also.

Sir, I entirely agree with Mr. Mani when he says that medical termination of pregnancy should be done free. I would rather go to the

[Shri G. A. Appan]

extent of saying, "Give them more benefits, give them even rewards for going in for termination of pregnancies". Sir, the great Pattinathar of Tamil Nadu has described the various effects of pregnancy on women even from the fourteenth day of the pregnancy. Of course, most of you would have known what would be the effects of pregnancy. Even from the tenth or the thirteenth day, a woman begins to feel a sense of giddiness and after the fortieth day she feels some whirling of the head and after the fiftieth or sixtieth day she feels heaviness of the stomach and feels the presence of milk and so on. So, Sir, when we are able to know all these things, why do you want to do the termination after 12 weeks? It can be done earlier and it is also reported that the Papayya fruit would terminate pregnancy in the initial stages up to fifty days. Instead of finding out how to terminate pregnancy in the earlier stages, we are now trying to advocate some policy of termination of pregnancy after 12 weeks. I entirely agree with the lady Member who asked why we should go on extending the period for termination of pregnancy. Why do you allow two doctors to do this? You know, Sir, pregnancy can be terminated either by operation or even by medical doses and some other ordinary methods. In the countryside we have got Ayahs and Dhais who are able to do it and you want simply to eliminate them.

Mr. Vice-Chairman, Sir, here you give protection and some reference is made to the prevention of pregnancy only of the married women. Do you mean to say, Mr. Vice-Chairman, we do not have unmarried mothers? What a pity it is that most of the public people, even officers, have taken resort to mean acts of exploitation of poor girls and commit them to this drudgery and humiliation? What will be the plight of the poor parents? What will be the plight of the poor brothers and sisters who are susceptible, who have fallen a prey to this pregnancy of unmarried girls? Leave away the pregnancy of married women. The husband and the other people can lawfully support them. But here we should give more prominence to these people for the termination of pregnancy. It should not be made criminal or unlawful. I would rather go to the extent of saying that the culprit who was responsible for the unlawful pregnancy should be brought to book and should be made answerable to all

these things. We only begin to blame the poor girl who shows signs of pregnancy. But those who were responsible for all these things are left scot free. Should we not do something? Is there anything regarding that in our law?...

SHRI SHEEL BHADRA YAJEE : But how to catch them?

SHRI G. A. APPAN : The lady will be able to say and the society will be able to say. We should try to do that also.

Mr. Vice-Chairman, Sir, I entirely support the speeches of Mr. Mani and Mr. Bipinpal Das. Fortunately the hon. Minister in charge of this is very much enlightened. My friend, Mr. Bhupesh Gupta, was just telling: "Why not the other lady begin to send some amendments now itself"? If she has not sent the amendments, the Minister can assure on the floor of the House that he will accept some of these proposals and he can also ask some of us to send amendments and he can bring amendments subsequently also. It is really very heartening to know that the lady member has some practical experience...(Interruptions)

I am speaking from personal experience.

That's why I am saying this...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : All right, all right. Please conclude now.

SHRI G. A. APPAN : As a social worker I have come across a number of cases of these poor girls, unmarried mothers...

(Interruptions)

I entirely support the views of the other lady that lunatic people, be that a man or a woman, have got no legal right to bring forth children, to be a drain on society, to be a scourge on society. So for that also, we should do something.

Then, Sir, one more thing...

THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN) : Last thing.

SHRI G. A. APPAN : This termination of pregnancy should be done free by competent

people ; they should be given rewards. The ordinary people who resort to this family planning should get Rs. 100 or Rs. 50. I recommend that those people who come forward for the termination of pregnancy, specially the unmarried girls, should be given at least Rs. 250 in each case and they should also be given leave if they are employed and they should be given allowance for convalescence and things like that. I would like to support the Bill whole-heartedly....

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Now you finish. I have to call the Minister.

SHRI G. A. APPAN : There is another organization called the Association of Social and Moral Hygiene in India. Of course they have branches throughout the country, I know. My wife was also employed in this and we have been trying to do our mighty bit. But one thing; rather than having unqualified people as these people in fact have—they have *dais*—we can have medical people to be in the employ of these people. Now, Mr. Vice-Chairman, Sir, who are the people who suffer from this pregnancy and for whose benefit we are recommending this Bill ? It is the poor people, the poorest, and naturally they are the people who cannot support their families, the added strength of their families. For these poor people to do a little better, the help of the teachers should be taken. They should be taken into our confidence, and the doctors and the social workers could be drafted.

SHRI S. D. MISRA : And the Ministers.

SHRI G. A. APPAN : I have no faith in most of the politicians. Politics is a very dirty game.

I entirely support the views of that lady Member that Clause 8 should be deleted from the Bill. With these words I support the Bill.

PROF. D. P. CHATTOPADHYAYA : Mr. Vice-Chairman, Sir, let me first express my gratitude to the hon. Members of the House who have participated in this discussion, and I feel, perhaps you too, Sir, that the discussion has proved very constructive. Even those hon. Members who could not support the Bill have put forward some very useful observations. Even though we cannot accept those conserva-

tions. I think they reflect a section of opinion of this country.

Now, with respect to the Bill I will refer to some of the criticisms. First I would like to say and make it abundantly clear that this law is not meant to be a method of family planning. I thought that I had made it clear at the very beginning. Even then there is, I think, a slight misconception about it. And that is why I propose to remove it at this stage by stating it categorically once again that this law is not a method for family planning. May be it has an incidental effect, a marginal effect, on that. But that has nothing to do with the essential objective of this law which, I have already said, is emancipation of women. It may be a bit high-sounding, but I believe that this law, when enacted, will go a long way towards women's emancipation in this society.

Secondly, the point that has been repeatedly made out by several hon. Members is regarding the compatibility or otherwise of this law with our tradition and culture. Since this point has been hammered out on several occasions and from different points of view, all the same, I think, Sir, you will excuse me if I say a word or two on the point. Indian tradition is manysided. The Jain people say that Indian tradition is *anekanta* which means that it is a many-faceted tradition. So, some people, true to their native bias or prejudice, interpret it in a conservative way, in a preservative way ; others interpret it in a creative, radiative and assimilative way. The history of Indian culture bears out clearly the fact that this culture has always been creative enough to assimilate foreign cultures without sacrificing the essence of its own *swadharma*. That is why I feel that a society, if it is to grow, must adjust its *swadharma* to the demand of the age, to *yugadharma*. That is why we should not construe tradition as a dead body embalmed in a coffin of dead customs and petrified habits. It should be construed in a creative way.

SHRI MAN SINGH VARMA : Destruction cannot be called creation.

PROF. D. P. CHATTOPADHYAYA : It all depends upon the context in which you take it. If violence is restricted, if molestation is restricted or if unwanted pregnancy is restricted. I think, it is all creative. So, I do not think

[Prof. D. P. Chattopadhyaya]

that the moral argument marginally moral and marginally eugenic—that termination of pregnancy amounts to a phoeticide is a very far-stretched argument stretched to the breaking point. If the termination of pregnancy amounts to killing, then I fear, even the very act of our existence involves Killing of lots of germs and insects. Our eating involves killing. If you stretch the argument to that point, then every act of living involves killing, but unavoidable. So, I think we should stretch a point only within the reasonable limits.

SHRI MAN SINGH VARMA : This is a logical fallacy.

PROF. D. P. CHATTOPADHYAYA : I think the tradition should not be vulgarised. It is a fact that the Indian tradition has spoken much about *dharma* and *moksha*, but Indian people, Indian priests and thinkers have also said of *kama* and *artha*. A society which indulges only in *dharma* and *moksha* without caring for *kama* and *artha* is ascetic. Ours is not an ascetic society. But some people in the name of defending the Indian culture are only distorting it, if not destroying it. Let us now come to the Bill, and its more concrete aspects.

Some hon. Members have referred to the problem of secrecy. They have said that the termination of pregnancy is welcome but the trouble is you people have not made a provision for maintaining the secrecy of the person who will be seeking the help of the Termination of Pregnancy Act. I think a close look into the Bill would have dispelled this misconception because if you go through sub-clause (3) of clause 7, it makes it abundantly clear that a provision has been made for maintaining secrecy and if it is violated by somebody, there is a provision for punishment. So, we have thought of that and the same has been provided in the body of the Bill.

Fourthly, I should say Mr. Mani, an hon. Member and always a very helpful friend—even in criticism he is helpful—has made a very good point. That is about the anguish of an unmarried mother. Yes, I would ask my friend to look into sub-clause (4) of clause 3. That clause meets the requirement which Mr. Mani in right eagerness and anxiety asks for. So, we say that no pregnancy of a woman, who has not attained the age of 18 years or who, having attained 18

years, is a lunatic, shall be terminated except with the consent in writing of the guardian.

SHRI A. D. MANI : I would like to draw his attention to Explanation I which comes into operation and which says :

“Where any pregnancy occurs as a result of failure of any device used by any....”

Now an unmarried mother is deprived of the benefit of Explanation II, because there is a reference only to married woman. Now condoms can also be used by unmarried women. Why should you take away this right and discriminate between married and unmarried and to seek the protection under 4 (a) one has to say that a person has been raped. Illegitimacy is a stigma and rape is a double stigma. Do you think any person will say she has been raped ? I would like the Minister for Steel also, who is a lawyer, to apply his mind to this and let us know whether an unmarried person can get protection.

PROF. D. P. CHATTOPADHYAYA : I had a look into the matter and I think when we say ‘No pregnancy of a woman’ that possibility is also covered. Only who has not been covered is an unmarried mother below 18 and there I am respectful to the tradition.

SHRI A. D. MANI : I want to give the same benefit to the unmarried mother also.

PROF. D. P. CHATTOPADHYAYA : I have explained the position.

Another point made out by Mr. Mani is also very important that it is not enough to enact such a law but let the people know who need it most that it has been enacted. That is the point of publicity. I will bear in mind this point and see how this Bill can be given the widest possible publicity.

SHRI BHUPESH GUPTA : Make an amendment.

PROF. D. P. CHATTOPADHYAYA : The question of making amendment does not arise because this law will not be put into effect till some rules are framed. So the suggestions we have received will be taken into consideration when we frame the rules. So without incorporating some constructive suggestions in the body of the Bill we may incorporate them in the rules to be framed in pursuance of the provisions of this Bill.

SHRI BHUPESH GUPTA : The rules must be consistent with the provisions.

PROF. D. P. CHATTOPADHYAYA : The broad framework that this law provides—that is what I mean. The question has been raised whether clause 4 regarding ‘place’ where this sort of operation will be allowed is quite reasonable. In other words some people have asked that no place other than the Government hospitals should be regarded as a place where this operation should be allowed. I appreciate the apprehension or the underlying reason for this argument, but will also appreciate the difficulty about the small number of Government hospitals in this country. On the one hand some Members in their justified eagerness have said that this law should be given the widest publicity so that all people in the rural areas also can take advantage of it. At the same time if we restrict that this operation can be performed only in Government hospitals, and the number of Government hospitals being small, we cannot extend the facility to those for whom it is meant. While we appreciate this apprehension, we are also to appreciate the difficulty of the Government and we cannot restrict the place of operation only to Government hospitals. We should see that other hospitals or clinics or institutions run by non-Governmental agencies are also allowed to perform this operation but we must see that those agencies are well-equipped, well-maintained and are up to the standard required for this delicate operation. One hon. lady Member, I think Mrs. Purabi Mukhopadhyay, has spoken of the alleged superfluity of clause 8. I think if she looks into the Bill carefully she will find that this provision is necessary and not redundant. Even if it is said that a medical practitioner performs an operation in good faith and he will be protected against damage proceedings it does not mean that he is given a clean chit or a blank chit because it is not easy to prove in the eye of the law. As a lawyer you know, Sir, the eye of the law is sometimes very squint. If somebody wants to take the protection of good faith he has to prove it. It does not automatically give protection. Against a negligent doctor I think still there may be some relief for the person who may suffer damage or loss. So this is not giving a clean chit or a blank chit because there will still be some legal relief available to the sufferer.

The last point—that has also been made

among others by Mrs. Purabi Mukhopadhyay is the apprehension regarding the birth of deformed or subnormal children. This is a very pertinent point but I think that possibility has been anticipated and it has been covered by clause 3 (2) (ii) which says :

“there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped,”

It there is a possibility or a risk that seriously handicapped or abnormal or subnormal children are likely to be born then termination of pregnancy has been provided for.

In conclusion I think that this Bill within the objective and perspective in which it has been framed meets with the requirements of..

SHRIMATI PURABI MUKHOPADHYAY : what about repeated abortions ?

PROF. D. P. CHATTOPADHYAYA : The question of repeated abortions does not bring forth any new point. If abortion can be legally terminated, repetition does not add to any point. I think that that has been provided by implication in the law.

With these answers to the criticisms I commend the Bill for the consideration of the House.

श्री निरंजन वर्मा : श्रीमन्, मैं माननीय मंत्री जी से एक स्पष्टीकरण चाहता हूँ ।...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

“That the Bill to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto, as reported by the Joint Committee of the Houses, be taken into consideration.”

The motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We shall now take up clause by clause consideration of the Bill. Mr. Varma, I will give you an opportunity in the third reading, that will be better.

Clause 2 was added to the Bill.

Clause 3.—(When pregnancies may be terminated by registered medical practitioners)

SHRI JAGDISH PRASAD MATHUR : Sir,
I move :

4. "That at page 2, lines 34 to 38 be deleted."

उपसभाध्यक्ष महोदय, मंत्री महोदय ने इस विधेयक के समर्थन में जो भाषण दिया तो उन्होंने यह बात कही कि इस विधेयक का मतलब किसी भी प्रकार से फेमिली प्लानिंग की स्कीम को प्रोत्साहन करने का नहीं है, इसका उद्देश्य दूसरा है, यह तो केवल इसमें साधारण रूप से रखा हुआ है यह जो एक्सप्लेनेशन है। तो जिस कारण से यह विधेयक लाया गया है, वह बात तो इस विधेयक से सर्व नहीं होती है, जैसा कि अभी अप्पन साहब ने कहा या श्री ए० डी० मणि ने कहा कि 18 वर्ष से कम उम्र की लड़की है और इस प्रकार की स्थिति पैदा हो जाती है कि प्रेगनेंसी को टर्मिनेट करने का सवाल आता है, तो इस विधेयक से वह परपज सर्व नहीं होता है। कोई भी लड़की जिसको इस प्रकार की स्थिति पैदा हो गई है, वह अपने मां बाप से परमिशन ले नहीं सकती और उस परमिशन के बिना काम होने वाला नहीं है। तो जिस उद्देश्य से यह विधेयक लाया गया है, वह सर्व नहीं होने वाला है। वह बात तो इस विधेयक से सर्व नहीं होने वाली है, अगर कोई होने वाली बात है तो वह केवल एक्सप्लेनेशन टू है और जिसके बारे में मंत्री महोदय ने कहा कि इस बिल का उद्देश्य यह नहीं है। तो अगर वह उद्देश्य नहीं है तो फिर इस एक्सप्लेनेशन टू को इसमें रखने का कोई कारण नहीं है। परिवार नियोजन से मुझको कोई विरोध नहीं, सिद्धांतः कोई विरोध का प्रश्न नहीं है, लेकिन इसके कारण से इस सम्बन्ध में जरूर गड़बड़ी होगी। आखिर सरकार कई प्रकार से परिवार नियोजन के लिये खर्च कर रही है और कई प्रकार के उपयोगों को सरकार ने सुझाया है और उन सारे उपयोगों का पालन करना चाहिये, यह बात ठीक है, लेकिन उसके उपरान्त कोई स्थिति

पैदा होती है और उसके कारण से इस प्रकार से प्रेगनेंसी टर्मिनेट करवाई जाय, यह बात उप-युक्त नहीं होगी। तो जहां माननीय मंत्री महोदय ने इस बात को स्वीकार किया है, तो मैं उनसे निवेदन करूंगा कि उनका उद्देश्य पूरा नहीं होता और यह बिलकुल अनावश्यक बात रखी गई है, इसलिये इस एक्सप्लेनेशन टू को इसमें से डिलीट कर दिया जाय।

The question was proposed.

श्रीमती पुष्पाबेन जनार्दन राय मेहता (गुजरात) : उपाध्यक्ष महोदय, देखिये, इस क्लॉज को डिलीट करना चाहिये, क्योंकि मैं देखती हूं कि इसमें यह लिखा है :

No pregnancy of a married woman shall, if such pregnancy is alleged by such woman to have been caused by rape, be terminated except with the consent in writing of her husband, if he is alive or of the guardian of her husband, if her husband is a minor or lunatic.

आई बंडर कि हसबैंड या गार्जियन की कंसेंट की क्या जरूरत होती है। दूसरी बात यह है कि मैरिड वूमन प्रेगनेंट होती हैं और रेप से प्रेगनेंट होती हैं तो फिर इसकी क्या जरूरत है। आर्डिनरी कोर्स में जो प्रेगनेंट होती है तो उसका टर्मिनेशन कराना हो तो हसबैंड के कन्सेन्ट की जरूरत होती है यह मैं स्वीकार करती हूं, लेकिन जो रेप से प्रेगनेंट होती है, इसमें हसबैंड के कंसेंट की जरूरत मैं नहीं देखती हूं। ...

उपसभाध्यक्ष (श्री अकबर अली खान) : यह अमेंड हो गया है। इसमें यह चीज नहीं है।

श्रीमती पुष्पा बेन जनार्दन राय मेहता : हो गया है ?

उपसभाध्यक्ष (श्री अकबर अली खान) : जी हां, पहले था अब नहीं है।

SHRIMATI PURABI MUKHOPADHYAY:
Only on one point I want to speak. I have

spoken about the length of the pregnancy period in clause 3 (b). I asked (b) to be deleted because if the pregnancy exceeds a period of twelve weeks it becomes very difficult. It is a risk for the life of that girl to terminate the pregnancy. So, it should never exceed a period of twelve weeks. So, I wanted the Minister to delete (b).

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमन्, इस बारे में मैं कुछ निवेदन करना चाहता हूँ। हमारे योग्य मित्र श्री चट्टोपाध्याय जी ने अभी कहा कि किसी भी प्रकार से इसका सम्बन्ध परिवार नियोजन से नहीं है, लेकिन मैं उनका ध्यान आकर्षित करता हूँ कि मैं इस प्रवर समिति का एक सदस्य था और सम्भवतः मैंने इसके एक-एक क्लॉज का ही नहीं इसके एक-एक अक्षर का अध्ययन किया है। एक्सप्लेनेशन टू जो है वह यह है :

Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, etc.

इसका और कोई मतलब हो सकता है तो आप बता दीजिये। अपने मित्र से मैं जानना चाहता हूँ कि इसका मतलब क्या है। अगर परिवार नियोजन नहीं है, तो कृपा करके बतला दें।

PROF. D. P. CHATTOPADHYAYA : Sir, I think the point which has been raised by the hon. Member Shri Mathur has already been met, and I answered it. He asked whether termination of pregnancy has been accepted by the Government as a method of family planning. To this query I have already said that it is not. I repeat, it is not. It may have some incidental bearing upon it but its essential object is altogether different. Sir, I think this point need not be repeated.

The other point is whether the consent of a lunatic husband is necessary. We have also said not only today but also while we introduced the Bill that the question of the consent of a lunatic husband does not arise. But one question is whether we would allow any and every woman, married or unmarried, to terminate her pregnancy because you know, however progressive or revolutionary we want to be,

we have to take into consideration the existing state of the society. So, while I share the anxiety of the hon. Members to be of help to the unmarried mother or married mother with a lunatic husband, we should see that there should be some restrictive clause and only that minimum restriction has been imposed, and that does not debar a married woman with a lunatic husband from terminating her pregnancy on her own decision. That point has been met. That is all I want to say on this point.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

4. "That at page 2, lines 34 to 38 be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

That clause 3 stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—Place where pregnancy may be terminated

SHRI JAGDISH PRASAD MATHUR : Sir, I move :

"That at page 3, after line 7, the following proviso be inserted, namely :—

Provided that no private place, clinic or dispensary maintained by a registered medical practitioner shall be approved by Government."

जिस बात को माननीय मंत्री महोदय ने स्वीकार किया, लेकिन वह विधेयक से हटाने के लिए फिर भी तैयार नहीं हुए। वह स्वयं जिस बात को मानते हैं, उसको बिल में लाने के लिए तैयार नहीं। अभी माननीय मंत्री महोदय ने यह कहा है कि हमारे देश में अभी इतने डाक्टर्स नहीं हैं, डिस्पेन्सरीज नहीं हैं, जिसके कारण सभी ये आपरेशन हम केवल सरकारी स्थानों पर ही करा सकें। लेकिन जहां तक मेरी जानकारी है उसके अनुसार अगर आपने यह छूट दी प्राइवेट प्रैक्टिशनर्स को, आज एल० एम० पी० भी एक मेडीकल प्रैक्टिशन-

[श्री जगदीश प्रसाद माथुर]

नर हो सकता है, और ऐसे भी लोग हैं जिनको अनुभव के आधार पर सरकार डिग्रियां दे देती है, अगर उनको इस प्रकार के आपरेशन करने की स्वीकृति दे दी, तो उसका प्रोटेक्शन क्या होगा ? उनके पास जो स्त्रियां जाएंगी, क्या उनका किसी प्रकार से शोषण नहीं होगा ? इसके अंदर और जो सुविधाएं आप देना चाहते हैं, इस विधेयक के अंतर्गत, वे सुविधाएं वहां उन लोगों को नहीं मिल सकती हैं। आज कोई ऐसा ब्लाक नहीं है, जिसमें आपकी डिस्पेंसरी नहीं है, ऐसा कोई शहर नहीं है, जिसमें सरकारी डिस्पेंसरी नहीं है।

सारे साधन बहुत बड़ी मात्रा में हर बीमार को नहीं मिलते हैं। इस पर्टिकुलर क्लाज में आपने कहा है कि इस काम को करने के लिए कोई विशेषज्ञ होना चाहिये, जिससे माता के स्वास्थ्य पर बुरा असर न पड़े। अगर किसी दूसरी जगह पर कोई महिला अपना आपरेशन कराती है, तो उसके स्वास्थ्य का खतरा उत्पन्न हो सकता है। आज जगह-जगह पर और ब्लाक-ब्लाक में सरकारी अस्पताल और डिस्पेंसरियां हैं और वहां आप पर इस तरह का कार्य करा सकते हैं। अगर आप प्राइवेट प्रैक्टिशनरों के हाथों में यह बात सौंप देते हैं, तो इससे माताओं की जान का खतरा बढ़ सकता है ; क्योंकि वहां पर अनुभवी डाक्टर शायद न हों और इसके साथ ही लोगों की परेशानी इस तरह के क्लिनिकों में जाने में होगी। इसलिए मैंने जो संशोधन रखा है, वह आपके बिल के लिए सहायक ही सिद्ध होगा और इसलिए मैं यह निवेदन करता हूं कि मेरे इस प्रोविजो को आप स्वीकार करें।

The question was proposed.

PROF. D. P. CHATTOPADHYAYA : Mr. Vice-Chairman, Sir, I appreciate the spirit with which the hon. Member has moved the amendment. But in the process of moving the amendment, he has given as a matter of compliment something to the Government which, I am sorry to say, we do not deserve, viz., that there are hospitals everywhere, in every block in the country. I am sorry to say that it is not

a fact. There are many places not covered by Government hospitals. And we want, as we have said before, that the benefits of this law should be extended to the remotest rural areas. What can be done under these rather restrictive circumstances where we cannot open Government hospitals wherever we like ?...

श्रीमान सिंह वर्मा : क्या आप समझते हैं कि वहां पर प्राइवेट डाक्टर हैं।

श्री उपसभाध्यक्ष : आप कह चुके हैं।

श्रीमान सिंह वर्मा : आपने कैसे समझा कि वहां पर प्राइवेट डाक्टर ऐसे हैं, जो सर्जरी का काम कर सकते हैं।

PROF. D. P. CHATTOPADHYAYA : Sir, we have already said that it is a very delicate operation and this important task cannot be given to any and every person. So, before we allow some practitioners to undertake this task, we should see that they have the requisite qualifications. And that is why we are re-defining the qualification of a medical practitioner, and we are not toying the old line; we have to suitably amend the existing law regarding the definition of a medical practitioner. On the one hand, we have to see that this task is given to the right sort of people and at the same time, we have to see that they do not remain confined only to the urban areas. So, we have said in clause 4 (b), "a place for the time being approved..." Once Government hospitals or Government agencies are there even in the remote rural areas, we can do away with non-governmental agencies. But for the time being, we have to rely upon at least, some of the non-governmental agencies. At the same time, we will see that the quality of the surgeon is up to the requirement of the delicate operation.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

5. "That at page 3, after line 7, the following proviso be inserted, namely :—

"Provided that no private place, clinic or dispensary maintained by a registered medical practitioner shall be approved by Government."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—Sections 3 and 4 when not to apply

PROF. D. P. CHATTOPADHYAYA : Sir, I move :

3. "That at page 3—

(i) in line 8, for the figure '5' the figures '5 (1)' be substituted; and

(ii) after line 14, the following be inserted, namely :—

'(2) Notwithstanding anything contained in the Indian Penal Code (45 of 1860) the termination of a pregnancy by a person who is not a registered medical practitioner shall be an offence punishable under that Code, and that Code shall, to this extent stand modified.'

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 7—Power to make Regulations.

PROF. D. P. CHATTOPADHYAYA : Sir, I move :

"That at page 4, lines 2 and 8, for the word 'notice' the word 'intimation' be substituted."

Some honourable Members have asked whether for undergoing this sort of operation prior notice would be necessary. The question of priority or posterity or simultaneity could

be removed if the word "notice" is replaced by the word "intimation". The word "intimation" is more informative.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

That Clause 7, as amended, stand part of the Bill.

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Clause 1—Short title, extent and commencement.

PROF. D. P. CHATTOPADHYAYA : Sir, I move :

2. "That at page 1, line 4, for the figures '1970' the figures '1971' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill
Enacting Formula

PROF. D. P. CHATTOPADHYAYA : Sir, I move :

1. "That at page 1, line 1, for word "Twentyfirst" the word "Twentysecond" be substituted"

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"The Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, re-amended, was added to the Bill.

The Title was added to the Bill.

PROF. D. P. CHATTOPADHAYAYA : Sir, move :

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

SHORT DURATION DISCUSSION UNDER RULE 176 *Re. SUGAR POLICY RECENTLY ANNOUNCED BY THE GOVERNMENT OF INDIA*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : In this discussion each Member will have only ten minutes. Now Mr. Kulkarni.

SHRI A. G. KULKARNI : At the outset, I would like to congratulate the Minister of Agriculture for the bold and belated decision taken by him in moving all control on price, distribution and movement of sugar with effect from the 25th May, 1971. I am saying 'belated' because this decision was overdue some six months back. Since the government usually tries to make political assessment of very rational and scientific problems, this uncertainty was created. Particularly I am referring to this

[MR. DEPUTY CHAIRMAN in the Chair]

because it is my duty to refer to this for the future guidance of the government. During the last six months sowing of sugarcane was delayed due to uncertainty. Therefore, this belated decision has already done some damage to sugar production in the country. As I have already said, the decision, however, deserves congratulations because once and for all this uncertainty has been removed. I hope government will take care to see that political assessment of a rational and scientific problem is not made.

I feel there is still another necessity for a bold decision in connection with the fixation of the sugarcane price. It is high time that for the next year sugarcane price is announced. In this matter government is still dilly-dallying and avoiding to take a rational decision. During the last 20 years government have

appointed five to six commissions to evolve a rational policy on sugar industry. But instead of evolving a long-term policy on sugar, government has always been taking hit and run decisions on the fixation of price. The basic thing in this country to be considered in connection with fixation of sugarcane price is to accept the principle of proportionality or to try to fix the price based on the recovery in sugarcane. In this connection I would say that the Sen Commission has given very valuable contributions on the question of fixation of price of sugarcane. Very recently the government has appointed one committee headed by one Talwar in the Ministry of Agriculture. That committee has also given a report. By taking a decision last week, government also hesitated in not accepting Sen Commission's or Talwar Commission's report. The House will appreciate that if you do not take into account the problems of farmers, there will be no incentive left for them. I am mentioning this point particularly because I requested the Minister of Agriculture to show me the Talwar Committee's report because I wanted to see the recommendations. Shri Fakhruddin Ali Ahmed, as a good and honest gentleman, agreed that it would come to me. But unfortunately, a copy of it did not come so far and perhaps his administration might have over-powered him. After all, Talwar Committee report is not for preservation by government. You keep it in the Parliament Library. We want to have a scientific assessment of the problem and you have appointed a Committee and it is our right to get a copy of the report. You keep it in the Parliament Library. The Talwar Committee Report is the last report on the scientific assessment of sugarcane price.

Sir, I wanted to mention another aspect of the problem also here. Up till now the sugar industry has been blamed and has been blamed on the one side by the sugarcane growers and on the other by the consumers. With the increase in sugar factories, the co-operatives which have been started have done well in sugar production in this country by giving a fair deal to the sugarcane growers who are members, but they could not do the same to the consumers and it is not the fault of the co-operatives in this connection. Sir, the Tariff Commission formula of 'cost plus' has also damaged the interest of the consumers and has encouraged inefficiency in the sugar industry. Sir, it is high time that the Government shed