

was filed in the Madras High Court and the election proceedings were stayed, with the result that you could not have a Bar Council. The stay orders was there. In order to avoid this difficulty, the Advocates (Removal of Difficulties) Order, 1966 was made by the Central Government. But this Order was struck down by the Madras High Court as being *ultra vires* the powers of the Central Government under section 59 of the Act. It was felt that the situation created by the decision of the High Court and the non-passage of the Bill, unless remedied quickly, would give rise to various difficulties. For example* we cannot take disciplinary action. You cannot have any Bar Council activity at all. The remedy this we had to promulgate the Ordinance by the President which became necessary and opportunity was then taken to provide for a flat term of 4 years for members of the State Bar Council in the Ordinance for the provision of amendment of section 8. While this was being done, the Law Minister approached the House for having a reviewing committee for the Advocates Act consisting of Members. Actually the term "lawyer Members" was used. To that some objection was taken in the Lok Sabha, saying why it should be only "lawyer Members". I can say that among Members of Parliament that the Attorney-General is the only non-Member there who is co-opted. They are seized of the matter. It is under review. I can give you this assurance and it is expected of the Committee, which will necessarily cover the ground already covered by the 1965 Bill, that they would conclude their deliberations very shortly. Actually for the 29th meeting they have called the representative of Mysore High Court advocates. So they are seized of the matter.

Madam, it is not only the Mysore Advocates. My esteemed friend, Mr. Mulka Govinda Reddy, said that out of 150, if I am not wrong, about 80 to 90 are Mysore Advocates. The rest are all Advocates from all over India who took the advantage. Actually, two or three of them are in Delhi.

SHRI MULKA GOVTNDA REDDY:
Out of 400., 172 are from Mysore.

SHRI C. R. PATTABHI RAMAN:
They all took advantage of that. They all enrolled themselves. They are from Orissa, Bihar, U.P., Delhi and so on. This was the position of the Bar Council. The Central Bar Council had given a decision on that matter.

Then, Madam, the Bill will replace the Ordinance. In the main it relates to section 8 which has also been dealt with in the 1965 Bill. Therefore, it not only brings the Ordinance within the ambit of this Bill but also ther matters referred to. As the hon'ble Minister has pointed out, we have asked the Chief Minister, Mr. Nija-lingappa., who rang me up to send a representative for the 29th meeting- and we expect two or three meetings at least. Thereafter we hope to set things right.

THE DEPUTY CHAIRMAN : The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to leave being granted by the Lok Sabha to withdraw the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha on the 3rd November, 1965 and laid on the Table of the Lok Sabha on the 10th November, 1965."

The motion was adopted.

THE MATERNITY BENEFIT AMENDMENT) BILL, 1965—*contd.*

THE DEPUTY CHAIRMAN: We were at the new Clause 2A which was under discussion.

SHRI A. P. CHATTERJEE (West Bengal): I rise on a point of order about this amendment.

THE DEPUTY CHAIRMAN: That point of order was raised by Mr. Arjun Arora also, I considered it and I have ruled it in order. That is why I allowed the amendment to be moved and the mover spoke on the amendment. Now what is your point of order ?

SHRI A. P. CHATTERJEE: Have you, Madam, considered this point that the amendment is *ultra vires* the Constitution? May I read it out?

THE DEPUTY CHAIRMAN : But if it is *ultra vires*, how can it be considered here?

SHRI A. P. CHATTERJEE: I am just raising that point.

SHRI M. N. GOVINDAN NAIR (Kerala): You raise it in a court of law.

THE DEPUTY CHAIRMAN: Not now. The Chair will not take the responsibility of the point that you are raising.

SHRI A. P. CHATTERJEE: I might tell you, Madam,

THE DEPUTY CHAIRMAN : You can say that in opposition to the amendment.

SHRI BANKA BEHARY DAS

(Orissa) : Madam Deputy Chairman, while fully appreciating the sentiments of Shrimati Paranjpye Who moved this amendment, I rise here to stoutly oppose it. Madam, in the course of the discussion I have already referred to the point. Here I am astonished that our women Members of this House are in favour of an amendment which is going against the very interest of the working class women.

Madam, before going into the aspect of population control to which she has referred, I may say that even if we accept this amendment, it is not going to serve the purpose because after the passage of the Employees' State Insurance Act most of the working class women will be covered under that Act. Even if you accept this amendment, we are not going to restrict the working women who will be covered under that Act from bearing more than two children and still getting the benefit. Those who will not be covered under this Act but would unhappily be covered under the Maternity Benefit Act, they only will suffer from this inhibition. So, Madam, from the start I want to impress upon you

that though the purpose of this amendment may be very laudable from the point of view of population control, it is not going to serve the purpose for which the amendment has been moved.

Madam, I want also to impress upon you that in India a very small percentage of women are working class women. Specially, I can say, in the textile and, to a certain extent, in mines like coal mines and others, the most oppressed, and which we can call the sweated labour, are women only. And if we accept this amendment, because of the ignorance of those women who have not had the privilege of getting any education because of the fault of all of us including Shrimati Paranjpye, we are going to adopt this punitive and embarrassing measure. And what is the net result? Because of this ignorance, if they bear more than two children, they would not get any wage. They will be virtually thrown into the street and then, I think, social workers like Shrimati Paranjpye will have to protect them and remove them to some home centres. That is why I want to say that it is going to create further problems.

Madam, again, take the case of educated women whether they are in Government service, whether they are public workers or whether they are in other fields of life. There is no law in this country which is going to prohibit them. We still believe that for population control we will have to adopt the means of education through posters, All India Radio, Seminars and other methods, to educate women so that they go in for population control.

SHRI A. D. MANI (Madhya Pradesh): Posters do not help in this case.

SHRI BANKA BEHARY DAS: That is a different thing. You know yesterday in the papers it has come out that there are many people who are opposed even to these posters about loop. That is a different matter. I always hold the view that the economic problems of India cannot be solved unless we adopt methods including population control. Well, I am not going into that aspect at all. But here I want

to emphasize that in spite of the fact that the purpose of this amendment is very laudable, it is not going to serve the purpose. Madam, I want to refer, because yesterday I referred to that, to how the employers in India are behaving about the working class women. Here is a Report of the E.S.I.S. Review Committee on Social Security circulated two or three days ago which says :—

"As regards the maternity benefit, the position was equally unsatisfactory. There was no uniformity in the measures adopted in the various States. There was no provision for medical aid before, during or after confinement, and this was a serious deficiency. The responsibility for giving cash maternity benefit was placed on the employers and this, as has been referred to in many official and non-official reports, led to a tendency either to evade payment or not to employ married women or even to discharge women workers on pregnancy."

So many complications arose and that also corroborates my point of view. In this connection I would advise those who are in favour of population control that they should rather come out with some other Bill so that only the working class women are not discriminated against. Rather I can say from my own experience in my State that most of the doctors in every district or those who are in charge of population control, have more than half a dozen children. The people who have been entrusted with this task of population control through loops and sterilisation themselves do not believe in this. So I would request hon. Members, specially women Members who are very sincere about this, and who ought to be sincere, that the educated people who are in the public field or in the Government services or other walks of life, and who feel that we have this problem, should first go in for population control.

In this connection, I want to go back to another measure that we have in India. Take the Government servants and the women who are working in the Government departments. According to

different measures, they have an advantage that when they get pregnant they can have three months' leave with full pay. There we are not going to attack. Here, because these are very poor women, we attack. During pregnancy, during maternity leave, they do not get full wage. They get only half wage and the different States have different rules regarding financial benefits to be given to them. So, instead of directing our attention against those who are illiterate, who still believe that begetting children is an act of God and not an act of human being, we should direct our attention to the educated. By this we will be punishing the poor. I would request the hon. Member to withdraw this amendment. I suggest that all of us should seriously consider, if we are very sincere about it, about those who are high-ups in the society, whether they are Ministers or Parliament Members or whether they are in the Government services, and certain punitive action must be provided about them rather than look to those who, out of ignorance, beget many children and who sometimes take pride that they have more children and also feel that it is an act of God and not the act of human beings. So I oppose this amendment.

SHRI M. N. GOVINDAN NAIR :
Our House is blessed with two experts
and we should be extremely careful
about them.

SHRI A. D. MANI: Who are they ?

SHRI M. N. GOVINDAN NAIR : One is the population expert, Dr. Chandrasekhar, and the other is the family planning expert, Shrimati Paranjpye. Unless we are careful, unwittingly they will commit this House to certain unwanted positions. I know that she is extremely keen.

THE DEPUTY CHAIRMAN : You are not speaking at the general discussion stage. You are speaking on the amendment.

SHRI M. N. GOVINDAN NAIR: Yes, otherwise how does population control come in? What does this amendment aim at. She wants to put a ban on

[Shri M. N. Govindan Nair.]

all working women not to have more than two children, otherwise they will be punished. This is the amendment.

SHRI A. D. MANI: Very simple.

SHRIMATI SHAKUNTALA PARANJPYE (Nominated) : I will come to everyone.

SHRI M. N. GOVINDAN NAIR: Even that is wrong. Since you are in the Chair. Madam, and other women are here, I am reluctant to discuss certain things. No body is considering the sociological effect or the psychological effect of banning people not to have more than two children. Everybody takes it as a fashion to propagate that we should not have more than two children. That type of approach to the subject is itself wrong. This does not mean that I am opposed to family planning. There should be family planning but you cannot have all the social reforms and changes through legislation.

SHRI LOKANATH MISRA (Orissa): Kerala has the fastest rate of growth.

SHRI M. N. GOVINDAN NAIR : Because we have a right to that. I do not want to come to the economic and political aspect of this question. Then there are many things to be said. How can you bring about social changes or changes in the thinking of the people through legislation? You have tried once and failed. You introduced proration. You are coming from Bombay, a prohibited area. You know what the position is. Have you succeeded in any State ? So if you want to get things which have to be brought about through education, through this kind of legislation, then you are not going to succeed and you are not going to lead the country anywhere. That is my first objection. The First step is education. While we are trying to discuss about the population problem, while we are trying to ban the producing of children, our mothers and grand-mothers thought that to have more children was a fortunate thing. Now all that has gone. Now it has become a crisis. But in the Western countries, they are faced with an entirely different problem. France is faced

with the problem of no increase in population. Almost all the Western countries are faced with the problem of stagnation of population. Why ? It is because their standards of living have gone up. They have so many diversions and they are faced with a different problem. So my suggestion is that instead of coming forward with such legislation, we should tackle the root of the problem. The root of the matter is that the standard of life of our people is so low, especially of the working people, the lower strata of the people, that their only recreation or diversion is to produce children. When that position changes, when there are other amenities for sublimation or for diversion, then this problem will not arise.

SHRI LOKANATH MISRA: Why not export some of you to foreign countries to break the stagnation ?

SHRI M. N. GOVINDAN NAIR: The reason for my inability to answer you is that Madam is sitting in the Chair. You should not forget the root cause which is the extreme poverty of our country.

SHRIMATI SHAKUNTALA PARANJPYE: This will diminish the poverty.

SHRI M. N. GOVINDAN NAIR: You are mad about it.

THE DEPUTY CHAIRMAN : Order, order.

SHRI M. N. GOVINDAN NAIR : I would agree that family planning has a place in the present context but there should be some sense of proportion. Anywhere and in everything to come with family planning and the loop will not work or help. The main problem is to raise the standards of the people so that they may have the standard which will give them diversions and they may be educated in such a way that the number of children is limited. Then this limiting of children to two is the most absurd thing. Tell them to have as low a number as possible. Leave it to them. Do not bind them by law. You are trying to bind the entire working peo-

pie by law not to produce more than two children; otherwise you say that they will be punished. This attitude should go. I know that the entire House will not be able to persuade her to withdraw, I have no doubt. So my appeal to the House is to see that the amendment is defeated, is thrown out.

SHRIMATI TARA RAMCHANDRA SATHE (Maharashtra): Madam, I know many Members want to oppose this amendment and the very idea of family planning. Yesterday we heard their speeches.

That clearly shows, Madam, that yet there is a very great need for carrying on propaganda for family planning. We, the social workers are accustomed to such opposition. We started this family planning work long ago, a quarter of a century ago, when the Government had never thought of it, and I know that my colleague, Shrimati Paranjpye, is working in this field for the last thirty years, and since then we have been working in this field and trying to achieve results, moving among women belonging to all strata of society and educating them, especially the woman workers or woman labourers. The Government started it after independence but we .

THE DEPUTY CHAIRMAN: You are not talking on the Bill; you are talking on the amendment.

SHRIMATI TARA RAMCHANDRA SATHE: I am coming to the point.

THE DEPUTY CHAIRMAN : Come with good points relevant to the amendment.

SHRIMATI TARA RAMCHANDRA SATHE: Though I/We the Government has started it, the Government has to take care. Whenever such an opportunity is there, the Government should include such amendments or such additions put by the hon. Member, Shrimati Paranjpye. I know the difficulties of the woman workers. It is very difficult for any woman to undertake laborious work during a certain period of time because of the condition of her health

at that time. The Act has been there and now the Bill is there and we all of us support them. In fact, the woman workers should get more and more facilities than they get today. For example, They should get some help in bringing up their children. They should get the necessary medicines and sumptuous food not merely for six weeks or something like that, but at least for a year. We agree with you that their standard of living should be increased and they should be more healthy. Everybody will agree that a woman should get maternity benefit; nobody will oppose this Bill especially. But at the same time we cannot ignore the other side of the problem, and that is the growing population problem. The Government is trying its best to educate the people to plan their families, and expenses amounting to crores of rupees are incurred to encourage family planning. A woman or a family is not at all happy to have more children. Somebody was saying that if they are economically better off, the problem will be solved. But I say that even then the problem will not be solved. She has to bring up the children and it is a very difficult task. Mothers and women know it very well. As I said, a woman or a family is not happy to have more children, on grounds physical, social and economic also. Some hon. Members say that they do not want to oppose family planning but they do not want compulsory family planning. Now I want to ask them this. They want the State to make education free and compulsory. They want old age pension. They want the State to provide good food and at the same time cheap in price. They want the State to provide employment for everybody. They want the State to do all these things because I know they feel that these things are in the interests of the people. Similarly, if they think over the matter patiently and calmly, they will see that this amendment is also in the interests of the people at large, especially in the interests of women on whose behalf we want these maternity benefits.

THE DEPUTY CHAIRMAN : Are you supporting the amendment?

SHRIMATI TARA RAMCHANDRA SATHE: Madam, only one more point I want to make. In my opin'on, the Government also should be rather a little strict and make a rule that no Government servant will get any increment of pay if he or she has got more than four children. I would like to put in this amendment—instead of the amendment under discussion—in this way. I would like to say this :

"Notwithstanding anything contained in this Act, a woman shall be entitled to payment of maternity benefit for the first three deliveries."

Now the hon. Minister said that "we are leaving no stone unturned to help family planning." So I request the hon. Minister to accept the amendment, or at least promise us that the Government will accept it in spirit and consider this suggestion some time.

With these words, Madam, I again support the amendment which has been put in by the hon. Member, Shrimati **Paranjpye**.

THE DEPUTY CHAIRMAN : I think now this is going beyond bounds—this amendment—and we have to stop it somewhere. The observations coming hereafter from hon. Members should better be confined to a minute or so, just the points.

श्रीमती पुष्पाबेन जनार्दनराय मेहता (गुजरात) : महोदया, मैं यह जो संशोधन प्रस्तुत किया गया है इसका विरोध करने के लिये खड़ी हुई हूँ। कल डा० परांजपे ने बताया कि मैटर्निटी बेनिफिट के तौर पर 300 रु० लेने के लिये औरतें ज्यादा तैयार होती हैं। मैंने उससे ज्यादा भी देखा है कि औरतें 25 रु० लेने के लिये अपना आपरेशन करवाती हैं। लेकिन यहां हमारे लिये विचारने की बात यह है कि हम फेमिली प्लानिंग और मैटर्निटी बेनिफिट दोनों को साथ-साथ क्यों ले लेते हैं? हम यह सोचने के लिये बैठे हैं कि जो हमारी बहिनें हैं उनको मैटर्निटी बेनिफिट दिया जाय, यहां हम फेमिली प्लानिंग पर विचार करने के

लिये नहीं बैठे हैं और उसके लिये यह पैसा नहीं दे रहे हैं।

मैं दो बात कहना चाहती हूँ। एक तो यह कि अगर हम "लीव" नहीं देंगे तो एवार्शन होंगे और औरतों की जिन्दगी खतरे में आ जायेगी। जो यह लीव नहीं मिलेगी तो इन औरतों को ज्यादा काम करना पड़ेगा और 'मिसकैरिज' वगैरा होने की पूरी संभावना रहेगी। दूसरी कठिनाई यह होगी कि अपना काम चालू रखने के लिये वह एवार्शन का भी प्रयत्न करेंगी जो स्त्री-जीवन के लिये खतरनाक है। मेरा यह अनुभव है—क्योंकि मैंने बहुत देखा है—मैं भी बहुत सालों से काम करती हूँ—कि जब वर्किंग क्लास की एक स्त्री काम नहीं करती है तो उसको बहुत बुरा सहन करना पड़ता है। आज वे लोग प्रोटेक्टेड हैं और अगर कायदे-कानून के अनुसार वह प्रोटेक्शन चला जायेगा तो उनके लिये बहुत मुश्किल पैदा हो जायेगी। दूसरे यह कि जब कमाई नहीं होती है तब उनको कभी कभी उनके पति भी निकाल देते हैं, उनको खाने की भी मुश्किल हो जाती है, और उनका जीवन बड़ी मुश्किल में पड़ जाता है।

तीसरी बात यह है कि फेमिली प्लानिंग की जिम्मेदारी सिर्फ स्त्रियों की नहीं है, फेमिली प्लानिंग की जिम्मेदारी सारे समाज की है। आज जब हम मैटर्निटी बेनिफिट की बात करते हैं तो उसमें फेमिली प्लानिंग का प्रश्न नहीं लाना चाहिये क्योंकि हमारा यह जो काम चलता है यह चलेगा। इसलिये आज मैं सब से प्रार्थना करती हूँ कि हमारी जो वर्किंग क्लास के लेबरर्स की बीमेन हैं, बहुत कम हैं इसलिए जिनको यह बेनिफिट मिलेगा वह ज्यादा मिलना चाहिये—मैं तो सोचती हूँ दो हो तक नहीं किन्तु 4 तक मैटर्निटी का फायदा मिलना चाहिये क्योंकि स्त्री की जिम्मेदारी समाज में बड़ी कठिन है और उसकी कठिनाइयां हमें समझनी चाहियें। आज उनकी जो मुश्किलें हैं उनको हम बढ़ाना नहीं चाहते हैं तो जो श्रीमती परांजपे का जो

संशोधन है उसका विरोध होना चाहिये।
उसका मैं विरोध करती हूँ और मैं चाहती हूँ
कि हमारी जो बहनों की मुश्किल है उसका
खयाल रख कर इस संशोधन पर सोचें।

SHRI A. P. CHATTERJEE : Madam
Deputy Chairman . . .

THE DEPUTY CHAIRMAN : Please
be very brief; make just a few points.

SHRI A. P. CHATTERJEE : I have
said something yesterday also, but gene-
rally on the Bill. Now I am opposing the
amendment tabled by Shrimati Par-anjpye
because it seems to me *ultra vires* the
Constitution, at least the Directive
Principles of it. As far as Part IV of the
Constitution is concerned, they no doubt
contain the Directive Principles of State
Policy but they are not enforceable by any
court. But when Parliament makes a law,
these Directive Principles have to be kept
in mind and have to be applied in making
the laws. That is what article 37 of the
Constitution says. Article 37 says this :

"The provisions contained in this
Part shall not be enforceable by any
court, but the principles therein laid
down are nevertheless fundamental in
the governance of the country and it
shall be the duty of the State to apply
these principles in making laws."

Now what are these Directive Principles?
Well, one of them relates to maternity
relief, contained in article 42. May I,
Madam, read before this House article 42
of the Constitution? Article 42 says this:

"The State shall make provision for
securing just and humane conditions of
work and for maternity relief."

Now actually, if we leave out that
clause "for securing just and humane
conditions . . .

THE DEPUTY CHAIRMAN: Before
you proceed further, may I say that it is
only a Directive Principle ?

SHRI A. P. CHATTERJEE : Yes, it is
a Directive Principle n'o doubt, but

THE DEPUTY CHAIRMAN: There-
fore I am sorry that you are not in order.
Courts do not deal with this matter.

SHRI A. P. CHATTERJEE: Madam,
what I am submitting before you is this
that article 37 says that it shall be the duty
of the State to apply these principles in
making laws. That is article 37, and
therefore I was pointing it out before this
House for the reason that, after all, the
law has to be made by this House. 'State'
of course includes 'Legislature' also
according to the definition of the 'State'
given in the Constitution.

The State includes Legislature and if
the Legislature makes a law, then the
Legislature should keep in mind this
Directive Principle. Therefore ' . was only
placing article 42 of our Constitu-tion and
this Principle should be kept in mind
before this amendment is really thought
about or talked about in this House*. If,
Madam, you order that I am out of order,
then, of course, I cannot say anything on
this point. But if you will kindly allow
me, I would just develop the point.

SHRI M. RUTHNASWAMY (Madras)
: May I point out that the principle of
ultra vires is a legal principle whereas the
principle that the hon. Member is pleading
for is a political principle. Therefore, he
cannot argue that this is *ultra vires*. That
is all I point out. He cannot argue on the
ground that it is *ultra vires*. He can take
objection to it on other grounds, not on
the ground that it is *ultra vires*.

SHRI A. P. CHATTERJEE : When I
say that this amendment is *ultra vires*, I
do not mean it in the sense that it is *ultra
vires* as far as the courts are concerned.
This term *ultra vires* perhaps is not really
very apposite here. What I am submitting
is that article 37 says that it shall be the
duty of the State to apply these principles
in making laws. They should keep these
principles in mind and apply them when
enacting laws. Therefore this principle
here has to be kept in mind.

SHRI A. D. MANI: As in the case of prohibition.

SHRI A. P. CHATTERJEE: As far as this amendment is concerned, it goes contrary to one of the principles laid down in our Constitution and therefore this Legislature cannot take into consideration this amendment. This is all I am saying.

THE DEPUTY CHAIRMAN : Yes, and I have explained the position.

SHRI A. P. CHATTERJEE: Very well I do not then talk on that point.

THE DEPUTY CHAIRMAN : Now, how many want to speak on the amendment? It should not take too long. There should be some sense of proportion in this. You may speak for just one minute.

श्री निरंजन वर्मा (मध्य प्रदेश) : उप-सभापति महोदया, मैं यह निवेदन करना चाहता हूँ कि हमारी बहिन परांजपे ने जो संशोधन प्रस्तुत किया है उसमें उनको केवल यह डर है कि स्त्रियाँ कहीं अधिक संतान उत्पन्न न करने लगे और उससे अनुचित लाभ न मिलने लगे। परन्तु मेरी प्रार्थना यह है कि मध्य प्रदेश में पुरुषों की अपेक्षा स्त्रियाँ अधिक काम करने वाली होती हैं। वहाँ पर जितने भी कारखाने हैं, जितने भी बीड़ी बनाने वाले कारखाने हैं या इस तरह के दूसरे कारखाने हैं, उनमें स्त्रियाँ ही अधिकांश काम करती हैं। हमें इस बात का आश्चर्य होता है कि हमारी बहिन जो यह चाहती हैं कि नारियों को अधिक से अधिक लाभ हो, जो नारियों की कल्याण की चीजों में लगी रहती हैं, उन्होंने इस तरह का संशोधन देकर उनका विरोध क्यों किया? हमारा तो यह निवेदन है कि वे सामाजिक कार्य करती हैं और शायद उनके मन में यह डर है यह धारणा है कि कहीं इससे बहुत अधिक अंश में समाज में अधिक संख्या में उत्पत्ति न हो जाय? महाराष्ट्र में एक कहावत है जिसका अर्थ यह है कि सास कुलवधु को आशीर्वाद देती है कि तुम 8 पुत्रों की माता हो। इसलिए

मेरा निवेदन उनसे यह है कि जब इस तरह की धारणा वहाँ पर चली आ रही है पहले उन्हें दूर करना चाहिये न कि इस तरह से संशोधन देना या कानून पास करना। इसलिए मैं अपनी बहिन से यह प्रार्थना करता हूँ कि वे अपना संशोधन वापस ले लें क्योंकि इससे नारी समाज का कल्याण होने वाला नहीं है, अकल्याण ही होगा।

SHRI M. V. BHADRAM (Andhrut Pradesh) : Madam, I would like to make only one point. This amendment seeks to restrict the benefit of maternity leave and other things, I mean the maternity benefits to the woman worker up to two children. That is what it seeks to do. Then beyond that number, what happens? If I try to imagine what will be the position of the worker's family and what will happen in the workman's family? I feel that this is a dangerous proposition and it will be fit dangerous thing to accept this amendment. I feel that it should not be accepted, at all. I say this because if, for fear of having more than two children, the woman refuses to have any family life, then every working class family is disrupted and every day there will be quarrels in the home. So I feel that however lofty may be the ideal behind this amendment, we should think of other means of achieving that ideal. There are other ways also for tackling this problem of growth of population. There is another partner in this process. The woman is not the only person concerned in this child bearing. There is her partner also and he should also be tackled. For example, we have tackled the men of the working classes and we have been successful in tackling these people and getting them sterilised. We have obtained for them hospital facilities and other facilities. These things can be done. I would be one with the hon. Member if she were to take up those things. But I would not be supporting her in this amendment which will be disrupting the working class families.

श्री शीलभद्र याजी (बिहार) : उपसभापति महोदया, यह जो अमेन्डमेंट श्रीमती परांजपे

ने रखा है, उसका मैं सख्त विरोध करता हूँ। वास्तव में उनका जो अमेन्डमेंट है वह प्रतिक्रियावादी है, रिएक्शनरी है और जो वर्किंग क्लास वाले लोग हैं, श्रमजीवी लोग हैं, उनके लिए एक आफत है। हमारे देश में जो बड़े-बड़े बुरजुवा क्लास के लोग हैं, जो धनी लोग हैं, उनके आमोद प्रमोद के लिए कई तरह की चीजें हैं, जैसे सिनेमा है, गाना है, लेकिन जो श्रमजीवी लोग हैं, वर्किंग क्लास के लोग हैं, उनके आनन्द के लिए सिर्फ एक ही चीज है और वह बच्चे पैदा करना है। हमारी पराजये जी चाहती है कि औरतें दो तीन बच्चों से ज्यादा बच्चे पैदा न करें, लेकिन इस हाउस में जो बड़े-बड़े लोग बैठे हैं, वे कोई अपनी माता के चौथे बच्चे हैं, कोई पाँचवें हैं और कोई आठवें हैं। इस बिल में वे जो प्रतिबंध लगाने की बात कह रहे हैं उसकी मैं सख्त मुखालिफत करता चाहता हूँ और सरकार से निवेदन करना चाहता हूँ कि वह उनके इस अमेन्डमेंट को न माने। सरकार की जो देश में फैमिली प्लानिंग की नीति है, फैमिली को कम करने की नीति है, सोशलिस्ट कण्ट्रीज़ में इसकी इजाजत नहीं दी जाती है। हमारी सरकार यहाँ पर लोगों को काम नहीं दे सकती है, उन्हें पैदावार के काम में नहीं लगा सकती है, इसलिए वह अपनी असमर्थता को छिपाने के लिए इस तरह की बात करती है। इसलिए मेरा निवेदन यह है कि वर्किंग क्लास वालों का जो एक ही आमोद प्रमोद का साधन बच्चा पैदा करना है उससे उन्हें बंचित नहीं किया जाना चाहिये। इसलिए मैं इस संशोधन की मुखालिफत करता हूँ और सरकार से प्रार्थना करता हूँ कि वह इसे कभी नहीं माने।

THE DEPUTY CHAIRMAN : I call upon the hon. Minister to reply. All the view have been placed before the House.

DR. S. CHANDRASEKHAR (Madras) : May I place a few points here ? I had given my name. Madam.

THE DEPUTY CHAIRMAN: We are pressed for time.

DR. S. CHANDRASEKHAR: I want only two minutes, Madam.

THE DEPUTY CHAIRMAN : You may take one minute.

DR. S. CHANDRASEKHAR : I may have to speak very fast then. Madam Deputy Chairman, I rise to support the amendment of Shrimati Shakuntala Paranjpye. The objections that have been raised to this amendment are these. One argument is that we are penalising the woman who unwittingly may have the third or fourth or fifth child. The second point is that we will be promoting disruption in the domestic family, of working people, particularly in Maharashtra. The third point is that this is the only kind of some indoor sport for the poor people and we have no right to deprive them of even that. The idea behind this amendment, if I could read Shrimati Shakuntala Paranjpye's intention, presumably is that if you make this known to these people, there will be many couples among the working people who may be benefited. There are some couples who think just because they are getting this benefit, they go in for children one after another and to them this is a kind of built-in insurance for the working family. The more the number of children, the greater the benefit, cheaper by the dozen, so to say. But once the word goes round, that there is not going to be any maternity benefit after the second child or the third child, whatever may be the number stipulated, then the working class families will become conscious and will know they are not going to get any benefit out of it, that on the contrary, this will be a positive burden on the family. Once they realise that, then they will take positive measures including family planning practices. They will go to cinemas. They will drink tea and play ping pong and enjoy and take part in the various other entertainments and not resort only to this one biological entertainmen. Therefore I think by laying down that maternity benefit

[Dr. S. Chandrasekhar.]

will be available only for two children we are not depriving these people of anything because they can go in for contraceptives and they can enjoy and have pleasure and no children. On the one side, we are for promoting family planning and we are spending money for that. On the other side, we are inciting—if I may use the word—these working class families to have more and more children.

SHRI BANKA BEHARY DAS :
But why only the working classes ?
Have it for everybody.

DR. S. CHANDRASEKHAR :
Yes, I am for including everybody,
even those who can afford more
children.

SHRI BANKA BEHARY DAS :
We agree to such a Bill. Bring in
such a Bill.

DR. S. CHANDRASEKHAR : I
am one of those who consider
everybody to belong to the working
class.

THE DEPUTY CHAIRMAN :
Yes, Dr. Chandrasekhar, please
finish.

DR. S. CHANDRASEKHAR : I
am sorry for this short exchange.

THE DEPUTY CHAIRMAN :
You are supporting the amendment ?

DR. S. CHANDRASEKHAR : I
am supporting the amendment and as
this happens to be a measure dealing
with working classes, and so these
women

are referred to. I am for in-4
P.M. eluding everybody right down
from the Cabinet Ministers
because this is not going to deprive
them of anything for they would take
the contraceptives which we are going
to provide. I do not think the
Government is so amorphous a body
that with the left hand it will be
spending so much in promoting family
planning while with the other hand it
will be providing incentives and
bonus for having more children. That
is why I am for the amendment.

SHRIMATI SHAKUNTALA
PARANJPYE: Madam, so many
points have been raised and I want to
reply to them.

THE DEPUTY CHAIRMAN :

There
is no reply to an amendment.
You know the procedure.

THE DEPUTY MINISTER IN THE
MINISTRY OF LABOUR, EMPLOY-
MENT AND REHABILITATION
(SHRI SHAH NAWAZ KHAN) :
Madam, you have been very indulgent
to the House and allowed a very exten-
sive debate on this Bill. The Bill be-
fore the House has a very limited
scope.

THE DEPUTY CHAIRMAN : You
have otherwise replied. You have only
to answer to this amendment,
recreation or procreation, that is all.

SHRI SHAH NAWAZ KHAN :
Yes, I am speaking on this. The Bill
has a very limited scope.

SHRI LOKANATH MISRA : The
point is whether you are going to
accept the amendment.

SHRI SHAH NAWAZ KHAN : I am
afraid we are not going to accept this
because this maternity benefit is a form
of sickness benefit. When a lady is
about to deliver a child she is very sick
and she needs medical attention and to
deprive her of that medical aid. I think,
would be very unjust and cruel and the
Government has no intention of
accepting this amendment.

THE DEPUTY CHAIRMAN :
The question is :—

3. "That at page 1, after line 9. the
following new clause be inserted,
namely :—

'2A. In section 5 of the
principal Act, after sub-section
(3) the following sub-section shall
be inserted, namely :—

(4) Notwithstanding
anything contained in this Act,
no woman shall be entitled to
the payment of maternity
benefit after the first two
deliveries."

The motion was negatived.

Clause 3—Insertion of new section 5A

SHRI M. V. BHADRAM : Madam, I move :—

4. "That at page 1, lines 16-17, for the words 'until she becomes qualified to claim maternity benefit under section 50 of that Act', the words 'to the benefit under this Act' be substituted."

Madam, I would like to clarify certain points here. In the amending Bill, as it stands, there are some difficulties which a woman worker will have to face. It is said that up to the date she becomes eligible for the benefit under the Employees' State Insurance Act she will receive the benefit under the Maternity Benefit Act from the employer and from then onwards she will have to go to the Corporation, get the certificate from the doctor concerned and then present it to the Corporation. That means she is to get the benefit from two sources, one from the employer for one part and for the other part she has to go to the Corporation. The other difficulty is this. If she continues to be under the Maternity Benefit Act, she will have the advantage of receiving all the benefits in advance for all the period prior to confinement. Section 6, sub-section (5) of the Maternity Benefit Act says :

"The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of such proof as may be prescribed that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed that the woman has been delivered of a child."

There is no such provision as far as the Employees' State Insurance Act is concerned. Section 46(1)(b) says:

"periodical payments in case of confinement to an insured woman, certified to be eligible for such payments by an authority specified in this behalf by the regulations."

So the advantage under the Maternity benefit Act is, she gets a lumpsum in advance for the period prior to confinement and within 48 hours of the delivery for the remaining part whereas under the Employees' State Insurance Act she gets only periodical payments. The hon. Minister yesterday promised to bring forward a comprehensive amendment to the Employees' State Insurance Act. My suggestion is till such time let the woman worker be allowed to continue to get the benefit under the Maternity Benefit Act which is more advantageous to her than the provisions under the Employees' State Insurance Act.

Yesterday, I also pointed out one more discrepancy. Under the Maternity Benefit Act, she is entitled to get the average daily wage or one rupee whichever is higher but under the Employees' State Insurance Act she is entitled to tie medical benefit or twelve annas whichever is greater. So there is also this difference. Because of all these things, my amendment seeks to help the woman worker to continue to get benefit* under the Maternity Benefit Act till such time as the hon. Minister's promised comprehensive amendment to the Employees' State Insurance Act comes up. I would therefore request the hon. Minister through you, Madam Deputy Chairman, to accept this amendment so that the woman gets more benefits.

The question was proposed.

SHRI SHAH NAWAZ KHAN : I am afraid I cannot accept this amendment. As was stated in my opening remarks, the object of bringing forward this Bill was to remove a small flaw which had come to light in the actual working of the Employees' State Insurance Act. This has a very limited scope and there is no chance of any person getting benefits from two sources as my hon. friend has said. The object of this Bill is to enable a woman worker to get the benefit from either one of the two sources.

SHRI M. V. BHADRAM : Till such time she becomes eligible for the benefits under the Employees' State Insurance Act, this Bill provides for provision of

[Shri M. V. Bfaadram.]

benefits under the Maternity Benefit Act. It means she will be getting for some time under one Act and afterwards under the other. ■

SHRI SHAH NAWAZ KHAN : That is what I am saying. The object of this Bill is to enable her to continue to receive the benefits from the employer under the Maternity Benefit Act until she becomes qualified to receive the benefits under the Employees' State Insurance Act. That is the very limited scope of this Bill. About the difference in wages yesterday I said that an amending Bill for the Employees' State Insurance Act was before Parliament and that the minimum that a woman would get under that, we hope, would not be less than one rupee and thirty paise. Therefore I do not accept this amendment.

THE DEPUTY CHAIRMAN : The question is :

4. 'That at page 1, lines 16-17, for the words 'until she becomes qualified' to claim maternity benefit under section 50 of that Act' the words 'to the benefit under this Act' be substituted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is :

'That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1—Short title

SHRI SHAH NAWAZ KHAN : Madam, I move :

2. "That at page 1.. line 4, for the figure '1965' the figure '1966' be substituted."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN . I he 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

SHRI SHAH NAWAZ KHAN: Madam, I move :

1. "That at page 1, line 1, Eci word 'Sixteenth' the word 'Seventeenth' be substituted."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN : The question is :

"That the Enacting Formula, amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, added to the Bill.

The Title was added to the Bill.

SHRI SHAH NAWAZ KHAN : Madam, I move :

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

The question was proposed.

SHRIMATI SHAKUJNTALA PARANJPYE: Madam, I would like to say that on the whole I welcome the Bill, because it is giving benefits to the poor women. I am sorry, many Members here seemed to get an idea that I was against the poor women workers and I[^] was coming in the way of their getting any benefit. I am all for them and I am all for improving their conditions of living. That is the reason why I moved this amendment. When I say that they should not get the benefit after the first two deliveries, it is because they should bring up these two children in a better way rather than having child after child like rabbits, which they are not able to look after. That, is exactly because I wanted to improve their stan-

dard of living. One of our hon. Members raised a point of order about it, but I would like to point out that as far as income-tax is concerned, the Government gives some concessions for the first two children and no more. Now, I ask you : Is that not discrimination ? That is an existing fact. It is a similar idea that I have been developing on the floor of the House. I am not saying that such conditions should not be put on other women, the richer women. I think every woman if she is getting any benefit from the Government or any other employer, should not get it after two children or at the most I am willing to go up to three, but not more. Unless we accept this principle in every walk of life, I do not think we will at all come any nearer a solution of the population problem, which is facing us like a monster.

Thank you.

SHRI SHAH NAWAZ KHAN : I just wish to reiterate that as far as this Ministry is concerned, there is absolutely no conflict between providing maternity benefits to lady workers and family planning. This, as I said, is a form of sickness benefit. When a woman worker become; pregnant and she is about to deliver, she seeks medical aid and it must be provided by the Corporation. I would like to refer to the very wise words uttered by Shrimati Pushpaben, the lady Member from Gujarat. As the whole House knows, she is a well-known social worker and she understands the working conditions of women workers. She has told the House what would be the consequences if maternity benefits are not provided to the workers. If these benefits are not provided, then the women workers are liable to go on working until almost the day of their delivery and that may lead to abortions, miscarriages, endangering the life of women workers. Surely, my hon. friend, the proposer of the amendment would not like any woman worker to suffer in any way.

SHRIMATI SHAKUNTALA PA-RANJPYE: May I have a minute, if the Minister is yielding . . .

SHRI SHAH NAWAZ KHAN: She has tried to compare the denial of

maternity benefit with the allowance which is given to Government officers. These two things are absolutely incomparable. There is no comparison. One is a sickness benefit and the other is in the form of an allowance. We are all for family planning and I would like to assure all those Members who may have any doubts about this in their mind that : my Ministry is fully alive to the need for enforcing family planning. I would in like to say that we would leave no stone unturned to carry the message of family planning to every worker and I hope that through proper education our workers, together with the rest of the population, would respond to the call for family planning, for improving the economic conditions of their own and of the country.

THE DEPUTY CHAIRMAN : The question is :

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

The motion was adopted.

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION) AMENDMENT BILL, 1966

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI JAGANNATH RAO): Madam Deputy Chairman, I beg to move :

"That the Bill further to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

The Telegraph Wires (Unlawful Possession) Act, 1950 and its amendments in 1953 and 1962 were passed to deal with the serious situation created time and again by the large-scale theft of copper wire from trunk telephone lines in several parts of the country. The thefts caused mounting monetary losses to the Government both by way of physical loss in terms of the value of copper wire stolen and by way of loss of telephone traffic. Inevitably, the breakdown of trunk telephone lines had also attracted harsh public criticism of telephone and telegraph services.