

Shri Shinde: It is approximately £41 per ton against quotas.

Shri Sham Lal Saraf: In view of the fact that there are refineries in different countries of the world which are interested in importing raw sugar, will Government be interested in exporting raw sugar from our surplus stocks?

Shri S. K. Patil: If countries want raw sugar and if we have any sugar to sell, surely it is in our interest that part of the sugar should be produced raw.

Family Planning

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- *326. { **Shri Pottekkatt:**
Shri A. V. Raghavan:
Dr L. M. Singhvi:
Shri Ravindra Varma:

Will the Minister of Health be pleased to state:

(a) whether Government are aware of the fact that doctors engaged in conducting operations under the family planning scheme can be proceeded under the Indian Penal Code,

(b) whether Government have seen the opinion of the West Bengal Legal Remembrancer on the above subject; and

(c) if so, what steps Government propose to take to protect the doctors engaged in family planning?

The Deputy Minister in the Ministry of Health (Dr. D. S. Raju): (a) to (c). Attention of the Government has been drawn to the opinion of the West Bengal Legal Remembrancer according to which the sterilization operations for socio-economic reasons are not strictly legal under the Indian Penal Code. The legal implications of the operations are under active consideration.

Dr. L. M. Singhvi: When is it proposed to place before this House the legal implications of operations which may involve penal liability for the doctors performing those

operations? May I also know whether in the meanwhile the doctors have directed not to perform these operations until we know the penal liability arising therefrom?

Dr. D. S. Raju: No, Sir. Actually section 329 of the Penal Code lays down that vasectomy for therapeutic purposes is not illegal. But section 88 gives a covering protection. They say that if vasectomy operation is done for the benefit of the patient, that is legal. Now vasectomy operations are done for socio-economic reasons. It is felt by some people that it is secondary and they should be penalised. But there is a difference of opinion even among legal experts. Strictly speaking, when a vasectomy operation is performed upon a patient after three or four children, it is not only a socio-economic problem, but it also affects his health; so, that is the point. Legal opinion will be considered, but meanwhile we have asked our doctors to go on with the operations.

Dr. L. M. Singhvi: The reply that the hon. Minister has given shows that as a matter of fact, he does not consider any further consideration of the legal implications to be necessary.

Mr. Speaker: He said that they will be considered.

Dr. L. M. Singhvi: But then he proceeded to give an entire opinion as to the legality of the operations.

Mr. Speaker: That aspect was being considered, but because the hon. Member wanted some interim measures to protect the doctors, he feels that there is enough protection even now.

Dr. L. M. Singhvi: That is what I am stating. In view of what the Minister has said, would the Minister say whether they have entered into any correspondence with the person who gave this particular opinion as to why he considered that there would be penal liability attaching to such

operations, if the Government is already in consultation with the person; then, whether the Government thinks that in case it is found that it is not for the benefit of the person concerned, it would still protect the doctor performing the operation? It may be a benefit in the long run but not an immediate benefit.

Mr. Speaker: That would be the whole argument before the Supreme Court.

Dr. L. M. Singhvi: What I am submitting is that a very difficult situation is being created.

Mr. Speaker: He should put his question.

Dr. L. M. Singhvi: I will phrase it very shortly. My question is whether the Government have considered that these operations must be found to be for the immediate benefit of the patient as contemplated by the law, and if so, whether Government have issued any directions to the doctors to perform these operations only if they come to that conclusion, or to seek advisory opinion if they so choose?

Dr. D. S. Raju: No, Sir. We have advised the State Governments....

अध्यक्ष महोदय : स्वामी जी को इस से क्या दिलचस्पी है ?

Dr. D. S. Raju: We have advised all the State Governments and the family planning units to go ahead with these matters of family planning. If any such legal complications arise, we will fight them in the courts.

श्री रामेश्वरानन्द : अध्यक्ष महोदय, मैं यह कहना चाहता हूँ कि पहले भी राज्य होते थे लेकिन कमी भी परिवार नियोजन की व्यवस्था नहीं होती थी और आज कौन सी ऐसी विपत्ति आ पड़ी है कि परिवार नियोजन की बात चल पड़ी है ? जैसे प्राचीन काल में होता था, ब्रह्मचर्य के सिद्धान्तों के अनुकूल गृहस्थों की क्यों न व्यवस्था आज भी की जाये ?

Mr. Speaker: If Shri Warior wants to understand what question Swamiji has put in respect of family planning, he wants complete abstinence, he says brahmacharya. करना चाहिये ।

श्री रामेश्वरानन्द : मेरे कहने का तात्पर्य यह है कि जितनी देश को आवश्यकता हो उतने ही बच्चे पैदा किये जायें । लोगों को इस प्रकार की शिक्षा दी जाये जिससे वे ब्रह्मचर्य का पालन कर सकें ।

Shri Hem Barua: In view of the fact that people are interested more in the spacing of births than in the retarding of births together, and sterilisation operations retard birth, may I know what steps Government have taken to make cheaper and more effective contraceptives available to the people.

Dr. D. S. Raju: Vasectomy is only part of the family planning programme. There are other methods which are advocated.

Production of Sugar

*328. **Shrimati Renuka Ray:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the production of world sugar in 1961-62 is lower than that of the previous year; and

(b) to what extent India's production has fallen and how does it compare with other sugar producing areas in the world?

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri Shinde): (a) and (b). Yes, Sir. The fall in production of sugar in India in 1961-62 as compared to the previous year is estimated at 9.4%. The corresponding fall in world's production is estimated at 6.9%.

Shrimati Renuka Ray: If the fall in production in India is less than in other countries, has it helped us to increase our earnings abroad through export of sugar, and also how far our exports have increased on account of this?