

[Shri R. Prabhu]

the whole of Asia and South East Asia. Unfortunately, the original cost estimate of Rs. 168 crore (estimated in March, 1986) is now estimated at Rs. 480 crore due to time overruns, devaluation and other reasons beyond the control of the Company. The x-ray film project is almost ready for commissioning.

Hindustan Photo Films is being denied an additional amount of Rs. 150 crore required to complete the project and go into production on the ground of resource constraints.

Hindustan Photo Films directly employs 4,100 persons and the indirect employment is provided to about 15,000 people.

If the x-ray film project is not completed and the original plant at Hindustan Photo Films is allowed to close down, all these people will be thrown out of jobs and the Government stands to lose assets of nearly Rs. 600 crore.

I, therefore, request the Government to make available an additional amount of Rs. 150 crore including an immediate disbursement of Rs. 65 crore so that the new x-ray project can be commissioned and the original plant of Hindustan Photo Films is not shut down.

(vii) Need for early implementation of recommendations of Mandal Commission

[Translation]

SHRI UPENDRA NATH VERMA (Chatra): Mr. Speaker, Sir, the decision to

implement the recommendations of the Mandal Commission was taken by the Government long ago and the Supreme Court has also given its verdict in this regard. But due to unknown reasons, it has not yet been implemented. Nothing is mentioned about the 27 per cent reservation fixed for the other backward classes in the recruitment advertisements published by the Government and Government undertakings. So, we notice people of backward classes are being deprived of the benefits of reservation. So, I would request the Central Government to implement the recommendations of the Mandal Commission sincerely.

15.30 hrs.

**TRANSPLANTATION OF HUMAN
ORGANS BILL**

**As Passed by Rajya
Sabha—Contd.**

[English]

MR. SPEAKER: We will now take up further consideration of the Transplantation of Human Organs Bill.

SHRI SHARAD DIGHE (Bombay North Central): May I seek a clarification at this stage? Last time when we stopped this discussion on the last day, on the 28th August, after I made a speech on this Bill pointing out certain dangerous implications of the Bill, particularly on the women of the society, then it was agreed by most of the opposition leaders and even the Parliamentary Affairs Minister— firstly the suggestion was made by Shri Lal K. Advani—that this should be sent to the Standing Committee. It was also supported by Shri

Somnath Chatterjee, saying that this should be sent to the Standing Committee. After certain discussion the then Parliamentary Affairs Minister had said this:

"May I make a proposal? There are strong feelings on this from all around the House, cutting across the party lines. Since it has been passed by the Rajya Sabha sending it to the Standing Committee may not be a right proposal. What I would suggest is that we would move a motion to defer the debate now. Let us have a inter-session discussion among the leaders, representatives and look at the draft carefully. Then we can conclude the debate."

This was a suggestion made by the Minister of Parliamentary Affairs.

I would, therefore, like to know whether any discussions took place, whether the Bill was looked into again or we are just proceeding further without taking note of all these suggestions and ignoring the feelings which were expressed in this House.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND): There was also a ruling of the Hon. Speaker.

SHRI SHARAD DIGHE: The ruling was, Mr. Speaker, you said:

"It is not necessary. We are at the fag end. We do not have to quarrel on technicalities. We can resolve this issue."

So I think the understanding was that this would be discussed with the leaders as it is an important matter.

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH GHATOWAR): That is not the full ruling. It was further said:

"Supposing, it is the sense of the House that it should not be passed now, it can be considered in detail when it comes up for discussion later on. It is not necessary to adjourn also because it is Six O'Clock now. We will continue this."

This was your ruling.

MR. SPEAKER: That is correct.

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): There have been discussions regarding this Bill when the leaders of various political parties generally said that the Standing Committee should go into the matter and come up with its report, as soon as it was possible. The Minister for Parliamentary Affairs, Shri Shukla had made it clear that if the Standing Committee could give its report within a week's time or so, then it can be referred, so that we are able to pass this Bill during this session itself. There have been many representations, many organisations have been contacting us, they have been sending us telegrams and representations that we should take up this Bill and pass it as soon as possible. Keeping the urgency in view, you can take a decision in the matter.

MR. SPEAKER: In the inter-session period we could have done that.

SHRI SOMNATH CHATTERJEE (Bolpur): This is a very important matter.

SHRI SHARAD DIGHE: That was the understanding that in the inter-session period they would consult the representative and find out.

SHRI SOMNATH CHATTERJEE: There was a talk of referring it to the Standing Committee on Health giving them a week's time so that in this session itself we can pass it. Let that be done. Sir, you may kindly refer this Bill to the Standing Committee.

MR. SPEAKER: The only question which nags me is whether they would be able to do it within one week.

DR. VASANT NIWRUTTI PAWAR (Nasik): Sir, this Bill had already been passed in the Rajya Sabha. (*Interruptions*)

MR. SPEAKER: I will take care of that.

SHRI SOMNATH CHATTERJEE: If this Bill is referred to the Standing Committee, we can save a lot of time here also.

MR. SPEAKER: That is true.

SHRI B. SHANKARANAND: Sir, the House may kindly recollect that there was a serious agitation in the country about the commercialisation of human organs, specifically kidney. Many police inquiries were made. Many cases were taken to the Court. We had also promised that this Bill would be brought before the Parliament and it would be passed. In that seriousness, this Bill was introduced.

In the Rajya Sabha also, these objections were raised. But they did agree that this Bill should be passed immediately and they had passed this Bill immediately. So, this Bill is before this House. We are very serious and very keen that this Bill must be passed at least in this Session. We cannot overrule the wishes of this House. If this House desires to refer it to the Standing Committee, let it refer it to them. But let it finish this work within one week so that this Bill can be passed in this Session itself.

SHRI SHARAD DIGHE: We agree that there is an urgency in passing this Bill. But, in the provisions of this Bill, you are limiting the transplantation of kidneys to a very small group, that is, to the nearest relatives. (*Interruptions*) As I have already pointed out, it will ultimately result into the sacrifice of wife's kidney only. Only wife will come forward to sacrifice her kidney and nobody else — father, mother, brother and sisters — will come forward to donate their kidney. Therefore, in the present society of India, where we are even forcing women to go for *sati*, this provision will have a dangerous implication. Therefore, give a little thought. Either expand the donors' list or wait till you can provide for sufficient banks of kidneys in this country.

MR. SPEAKER: Well, there is a point.

SHRI SOMNATH CHATTERJEE: Apart from that, it restricts the number of donors and it says that it is only from the relatives. That is a very important point. Supposing no relative is there or no relative can give because of his or her health condition, then a patient can never be revived if otherwise it is available. What we want is to stop misusing it;

trading on it; somebody misutilising it and carrying it on a speculative business or profiteering or racketeering on that. If proper medical examination and proper enquiries are done, then it should be made available. This is also a suggestion apart from what Shri Sharad Dighe has very pertinently pointed out.

SHRI B. SHANKARANAND: Yes, these things can be considered.

SHRI SOMNATH CHATTERJEE: That is why, we have said that this Bill can be referred to the Standing Committee. *(Interruptions)*

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, objections can be raised about clause 5 and 6 of this Bill. Through clause 6, the act of killing the daughter-in-law in the name of dowry is being made legally justified. According to clause 5, if

[English]

"dead body lying in a hospital or prison"

[Translation]

is not claimed within 48 hours, supposing we have met with a road accident and taken to the hospital by some one and our family members are not aware of the accident, so, how they can claim our dead body within 48 hours? The certain clauses in the Bill had not been considered upon. This is not only related with the kidney issue of the women, but is directly related with their murder. Mr. Speaker, Sir, if you go through clause 6, you will find that it has

made full arrangements to destroy the lives of women.

[English]

MR. SPEAKER: Well, I think, this Bill has been drafted with all good intentions. If there is any lacuna, it would be necessary for us to remove that. Certainly we can have a second look at this Bill. My only apprehension is that whether the Standing Committee would be able to complete it in seven days' time. I would suggest that the Parliamentary Affairs' Minister can talk to the Presiding Officer of the other House on this because this Bill had already been passed there.

There is no legal difficulty in rererring it to the Standing Committee. Yet we should take them into confidence and consult them. You can have discussions with the Chairman of the Standing Committee also and after that I think tomorrow we shall take a decision on this. Supposing you have a discussion and let us know by this evening, then tomorrow we shall not get it on the record but we shall refer it to the Standing Committee. But supposing you have any difficulty, then I shall have it on the record and we shall take a decision tomorrow.

SHRI SOMNATH CHATTERJEE: But, Sir, effort should be made to send it to the Standing Committee with a specific time limit.

MR. SPEAKER: There will not be any difficulty. We shall have it in eight days time or may be in one or two days more.

[Translation]

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, Sir, I had sent a request.

MR. SPEAKER: If you send a request or any application from there, I cannot decide it by sitting here.

[English]

You have to give it to me. I am conducting the House. I cannot just apply my mind like that.

[Translation]

SHRI BHOGENDRA JHA: I am asking.

MR. SPEAKER: I am not giving you any time. You want a decision from here which I cannot do. Please sit down now.

15.41 hrs.

CENSUS AMENDMENT BILL

[English]

MR. SPEAKER: We shall now take up item No. 26 — Census (Amendment) Bill.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Sir, I beg to move:

"That the Bill further to amend the Census Act, 1948, be taken into consideration."

The Census Act, 1948 was enacted to enable the Government to take a census throughout India. Since then, the census has been taken five times, that is, in 1951, 1961, 1971, 1981 and 1991. During the 1981 census and more recently in the 1991 Census Operations, it

was felt that the existing provisions of the Census Act, 1948 were not adequate to tackle the problems that have increasingly been experienced the successive Census rounds. It was common experience of the Directors of Census Operations and the census staff that Census Act required considerable strengthening to permit smooth conduct of the census. Some of the problems that need tidying over are: the local authorities do not often readily agree to make available the staff required for census work, the part time staff often do not take their duties seriously; the census officials are sometimes subjected to great pressure by organised movements to record particular responses in respect of language or caste; difficulties are experienced in the procurement of vehicles and buildings for the conduct of census, etc. In order to ensure that the census work is not hindered or disrupted, it is deemed necessary to amend the Census Act with a view to:-

- (a) making it obligatory upon every local authority to make available the staff necessary for taking census,
- (b) protecting the legitimate service interests of the persons deployed on census duty.
- (c) specifying enhanced penalties for certain offences such as refusal of performance of duties by designated census officers or causing of obstacle to any person in performance of such duties or putting any offensive or improper question or making false disclosure or removing, secreting, damaging or destroying the census documents. These are proposed to be made