

अध्यक्ष महोदय : अभी नहीं, टबल पर स्टेटमेंट (Statement) रख दिया गया है उस को पढ़ने के बाद प्रक्रिया ।

RESERVE AND AUXILIARY AIR FORCES BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

The Minister of Defence (Shri Gopalaswami): I beg to move:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, be extended upto Friday, the 1st August, 1952."

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, be extended upto Friday, the 1st August, 1952."

The motion was adopted.

INDIAN PENAL CODE (AMENDMENT) BILL

AMENDMENT OF SECTION 497)

Mr. Speaker: The House will now proceed with Private Members' Legislative Business. The House will remember that at 12-30 today there will be a half-an-hour discussion on certain points raised by some hon. Member and at one o'clock the report of the joint Committee on the Preventive Detention (Second Amendment) Bill will be presented to the House by the Deputy-Speaker. Mr. Dabhi may proceed with his Bill.

Shri Dabhi (Kaira North): I beg to move:

"That the Bill further to amend the Indian Penal Code, 1860, (Amendment of section 497), be taken into consideration."

This is a very simple Bill consisting of only two clauses. It seeks to amend section 497 of the Indian Penal Code

which defines adultery and provides for the punishment of the same. That section reads thus:

"Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor."

This Bill wants to delete the last sentence, namely, "In such case the wife shall not be punishable as an abettor", from section 497. The present position is that whereas a man who commits adultery with another's wife is punished, the wife is not punishable under the law. If this Bill is passed, both the man and the woman concerned would be punishable under the law. The offence of adultery as defined in section 497 of the I.P.C. is such that it cannot be committed except with the willing consent of both the parties and if there is no consent on the part of the woman, then the act amounts to an offence of rape and the question of the woman being an abettor does not arise at all. Now, if two persons jointly commit an offence it is but fair that both of them should be punishable equally. How is it then that a married woman who becomes unfaithful to her husband and is in illegal intimacy with another man is exempt from punishment while the man alone is punishable? The reply given to this question by the authors of the Indian Penal Code themselves is as under:

"Though we well know that the dearest interests of the human race are closely connected with the chastity of women and the sacredness of the nuptial contract, we cannot but feel that there are some peculiarities in the state of society in this country which may well lead to a human man to pause before he determines to punish the infidelity of wives. The condition of women of this country is, unhappily, very different from that of women of England and France; they are very often neglected for other wives while still young; they share the attentions of a husband with several rivals. To make laws for punishing the inconstancy of

the wife, while the law admits the privilege of the husband to fill his zenana with women, is a course which we are most reluctant to adopt."

While dissenting from the opinions expressed above by the authors of the Code, Messrs. Ratanlal and Dhirajlal, the learned commentators of the Indian Penal Code remarked thus:

"The reasons given above for not punishing a wife as an abettor seem neither convincing nor satisfactory. It would be more consonant with Indian ideals, if the woman also were punished for adultery. Manu has provided punishment for her, and in France and in China she is punished. In the Punjab and Frontier Districts, in the North W.F. Province and in Baluchistan a married woman is punished for adultery."

Sir, I am in complete agreement with what the learned commentators say.

Then again I submit that the circumstances narrated by the authors of the Indian Penal Code for exempting the wife from punishment no longer exist to the extent to which they existed at the time when the Indian Penal Code was enacted. In the first place, polygamy is non-existent...

Mr. Speaker: Order, order. I would request those Members sitting on the benches and carrying on conversations or consultations either to carry them on in such a manner that they may not disturb the House while it is considering this Bill, or they might for the time being retire to the lobby and carry on their conversations as they like. The hon. Member may proceed.

Shri Dabhi: Sir, in the first place, polygamy is non-existent among both Christians and the Parsis. Now, let us take the case of Hindus who form the vast majority of the population of this country. It is true that at present polygamy is not prohibited throughout India. But I submit that circumstances have greatly changed since this section 497 was put on the Statute Book. At present the percentage of people having more than one wife is very negligible. We know that the Rulers and Maharajas and the rich people who in days past were having in their *zananas* several wives have completely disappeared.

Then I submit that even most of the men who at present marry a second time do so only when they have no issue, and when they marry for the

sake of an issue in most cases it is with the consent and agreement of the first wife herself. We know that in the State of Bombay they have passed the Anti-bigamous Marriage Act under which no man can marry again while his former wife is living. So this question of a man having more than one wife does not at all arise in the State of Bombay. We hope that when this proposed Hindu Code is passed—and let us hope that it will be passed very soon—then the whole question would be solved.

Let us take the case of Muslims. We know that under the present Muslim Law a Muslim is allowed to have four wives at a time. But even among the Muslims I am sure that the scene of a wife having the attentions of more than one rival is practically a thing of the past. From this point of view it is quite necessary that this Bill should be passed.

Then there is another point. Some people seem to think that in such cases it is only the man who is aggressive and the woman is only a passive agent submitting to the lust of man without any protest at all. I do not share this view. It may be that in most cases the beginning may be made by the man, but the woman is equally, if not more, responsible in the last stage.

Shri K. K. Basu (Diamond Harbour): That is a dangerous concession!

Shri Dabhi: Is it not the woman who with her allurements tempts the man? Was it not Eve that tempted man to eat the 'Forbidden Fruit' and brought about his downfall?

Shri Syamnandan Sahaya (Muzaffarpur Central): Of course.

Shri Dabhi: Was it not Queen Cleopatra who made Mark Antony submit to her viles and brought about his ruin?

Shri Gadgil (Poona Central): Do not start a civil war here!

Shri Dabhi: It was the unfaithfulness of Queen Pingala, wife of the famous King Bartruhari, which made him give up his kingdom and renounce the world, though of course it proved a blessing in disguise for him. In this connection I would like to recite to you a Sankrit verse. Sir, the occasion for composing this verse was as follows: A lady was grinding corn by turning with her hand the grinding-stone, and the stone was making noise. The poet heard this and thought that the grinding-stone was weeping because it had to submit to that lady and had to go

[Shri Dabhi]

round and round. So the poet composed this verse, addressing the grinding-stone:

रे रे चट्ट मा रोदी:

कं कं आवाज ।

० श्रवाजवाद ०

० वादवाद ० ० ० ०

Oh, grinding-stone do not weep please. These women have made, not one, but several people go round and round, simply by their amorous glances. Then, what to talk of those who have been drawn by them with their hands? This is in nut-shell the influence which a woman exercises on man.

One of my friends was telling me a story of his neighbour's wife. That woman used to come very late at night, but that poor husband had not the courage to ask even his wife why she was late.

Shri Thanu Pillai (Tirunelveli): On a point of order. Is this generalisation of womenfolk as a whole fair?

Shri Syamnandan Sahaya: The point of order is out of order.

Mr. Speaker: No question of fairness really arises, and the hon. Member is perfectly in order in arguing on a generality, for the simple reason that he wants to equate the law of adultery to the law as it applies to men. He is talking of men as a class to whom the law at present applies and his argument seems to be that the women should not be an exception. Therefore he refers to them generally. But, I would advise the hon. Member not to go into these details. I think he has sufficiently argued his case. (An Hon. Member: Not yet). The arguments may be interesting and—I do not wish to say further—but he will also take into consideration that the day is allotted to Private Members Legislative Business and he should give a facility to other Members to bring in their Bills, in as large a number as possible and not monopolise the whole time himself. The arguments may be interesting but they do not go further to support the case.

Shrimati Ammu Swaminadhan (Dindigul): On a point of order. May I ask whether the bringing in of stories about Eve and Cleopatra in a Bill like this is relevant? We do not know what happened in those days. (Laughter) I am sorry. I am not raising some

matter which is to be laughed at. I am asking whether the hon. Member knew about those days. I want to know whether it is relevant to bring in some historical figures about whom he might have just read in books. We do not even know whether they are correct or not—about Eve and Cleopatra and many of these things.

Mr. Speaker: It is more or less a question of sense of proportion and a sense of decency or courtesy and not exactly a point of order. Therefore I was saying and I appeal to all Members not to go into such fantastic or romantic stories and embellish the arguments further from a literary point of view. Let us sit here as matter-of-fact people and carry on our work.

Shri Chattopadhyaya (Vijayavada): I submit that the argument should be all embracing.

Mr. Speaker: Yes, yes. The hon. Member will bring in some retorts again and the whole tone of the debate will degenerate. An occasional joke is quite all right but a continuous one, lowers not only the prestige of the House but the tone of the debate also. Let us be clear from our conduct that we are serious in considering this kind of thing. Here we are discussing a measure under which if allowed by the House, women will be liable to penalties. Therefore, let us take a serious view of the matter. I entirely agree with the hon. Lady Member who raised the point of order that such cases should not be cited really speaking, though I cannot go with her in holding that it is out of order or there is any point of order in that. It is only a question of proportions.

Shri Dabhi: I wish to refer to the condition in the State of Bombay. I must say that the condition of men in the State of Bombay has become somewhat pitiable. The Bombay Prevention of Bigamous Marriage Act does not allow a man to marry twice. Then there is another Act of the Bombay State, namely, the Divorce Act, which does not allow a man to divorce on the ground of adultery. So in a recent case their Lordships of the Bombay High Court have held that a man cannot get divorce under the Divorce Act from his wife even though the wife had committed several adulterous acts. Hence the position there has become very difficult. Then there is another reason why this Bill should be passed. We know that my hon. friends, Shri

[Mr. DEPUTY-SPEAKER in the Chair]

Pataskar and Pandit Thakur Das, have brought their Bills prohibiting bigamous marriages among all sections of the people. I welcome these Bills. I hope that this House will pass either of these Bills. If one of the Bills is passed, the reason given by the authors of the Penal Code would not be existing at the time. These are not the only reasons for which I submit that this Bill of mine should be passed. We know that the Constitution itself prohibits any discrimination between man and man.

Article 15 (1) runs thus:

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

Article 14 reads as follows:

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

I do not know whether under both these articles, section 497 of the Indian Penal Code would be *ultra vires* of the Constitution, but I have no doubt that the provision under section 497 which this Bill seeks to remove is against the spirit of the Constitution.

There is another ground on which I think this Bill should be passed, apart from what is stated in the Constitution. I submit that the very object of this Bill is being frustrated by the provision which says that no woman should be punished as an abettor. What is the object of enacting this law? As laid down by the authors of that Code this section is intended to "preserve the chastity of women and the sacredness of the nuptial contract". Can anybody say that the chastity of women can be preserved by saying that women should not be punished even if they commit such adulterous acts? I can quite understand if anybody were saying that people cannot be made virtuous by any law and therefore section 497 itself should be deleted from the Penal Code, but once you make a law and you enact that adultery would be punished, then it is quite proper that there should be no discrimination made between man and women.

Lastly, in these days of equality between man and women and when women themselves ask for equality in all walks of life, it is not quite proper on the part of women at least to claim that any discrimination in the matter of

law should be made in their favour. In the end I fully agree with the authors of the Indian Penal Code when they say that "the truest interests of the human race are closely connected with the chastity of women and the sacredness of the nuptial contract". Sir, it is for this very reason and for no other reason that I wanted to omit the last sentence of section 497 of the Indian Penal Code.

I see that my hon. friends, Mr. Somana and Shrimati Jayashri Raiji want to move amendments saying that this Bill be circulated for the purpose of eliciting public opinion thereon. Sir, though personally I do not think there is any necessity for sending this Bill for eliciting public opinion yet if this House comes to the conclusion that this amendment should be accepted, I at least have no objection in accepting either of the amendments.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Indian Penal Code, 1860, (Amendment of section 497), be taken into consideration."

Shri N. Somana (Coorg): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of October, 1952."

I wish to make it perfectly clear that I am not opposed to the principle contained in this Bill. I feel that though this is a penal law it actually relates to our social being and hence it is absolutely necessary that we should consult public opinion in this matter rather than sit in the House as lawyers or legislators and consider this Bill. The authors of this Code have clearly stated the reason why women should not be punished in such cases. They said that the conditions of the society are such that the women often are submissive and subordinate to men and that is the reason why the women should not be punished under this Code. Now, it is necessary for us to see how far the observations made by the authors of the Code are applicable today or how far society has improved so that this law may be made applicable to women also.

In the first place, I would answer the constitutional point that has been raised by my hon. friend Shri Dabhi. I do not agree with him in so many words which he has stated that this law, section 497, as it exists today, is *ultra vires* of the Constitution, because,

[Shri N. Somana]

no law under the fundamental rights is absolute and it has its own limitations. As a matter of fact, if we read article 15 of the Constitution we find it is stated clearly that there are limitations to this law. Clause (1) of article 15 says:

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

There is an exception to this in clause (3) which says:

"Nothing in this article shall prevent the State from making any special provision for women and children."

So, it is clear that in this case of fundamental rights, it is not an absolute right that has been provided by the Constitution. If the circumstances are there in the society which necessitate certain limitations on this fundamental right, it is our duty to see that those limitations are put in the Statute.

So far as this matter is concerned, the Supreme Court also has made certain observations which may be very relevant. In the case of *Chiranjit versus Union of India*, the learned Judges of the Supreme Court have laid down the following propositions. Though, of course, the facts of that case have no relation to section 497, they have laid down the limitations that have to be imposed so far as fundamental rights are concerned. They say:

"The principle of equality does not mean that every law must have universal application for all persons who are not by nature, attainment or circumstances in the same position and the varying needs of different classes of persons often require separate treatment."

The second principle which they have evolved is:

"The principle (the principle of fundamental equality of rights) does not take away from the State the power of classifying persons for legitimate purposes."

The third proposition is:

"If a law deals equally with members of a well defined class, it is not obnoxious and it is not open to the charge of denial of equal protection on the ground that it has no application to other persons."

Therefore my humble submission is that it is not so *ultra vires* or obnoxious to the provisions contained in article 15 as my hon. friend Mr. Dabhi wanted to make out. So far as the conditions of our society are concerned, there are many parts of our country, let us not think of the urban areas only, where women are still subjected to certain very great limitations and inferiority, and we have to hang our heads in shame that on account of the temptation of money and the use of power women submit to the approaches of man. It is a shame to our society that we have not been able to effect any reform in that direction.

10 A.M.

My hon. friend also referred to the question of bigamy and divorce. Of course, these are closely connected with this matter. So far as bigamy and divorce are concerned, the law is still in a fluid state and this House has not been able to consider them in their proper perspective. Since these matters have a close connection, I submit that the law even if it is passed today, is somewhat premature and it is absolutely necessary that we should take public opinion in this matter. After all, as I stated at the beginning, when a law concerns the society in its full bearing it is necessarily a matter for the country at large to give an opinion. There is the judiciary; there are social reformers; all those persons must have a say. Because this is not merely a punitive law, but also a reformative law, society must have a say in the matter. My humble submission is that this is a fit case where it should be sent for eliciting public opinion so that we may know what the crystallised opinion in this country is as regards this important piece of legislation.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of October, 1952."

Shrimati Jayashri (Bombay-Suburban): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of November, 1952."

Sir: I thank the hon. Mover of the Bill for accepting either of the amendments moved by Mr. Somana as well as by myself.

The Bill envisages a society in which the women's place is equal to that of men. What do we find in reality? Even now, parents think that *kanyadan* that is, the giving away of the girl, is a very religious thing. That means, that women are still considered to be private property. As sage Kanwa said while giving away Sakuntala to King Dushyanta:

अर्थां हि कन्या परकीय एव तामद्य

सम्प्रेष्य परिग्रहीतुः ।

जाता ममायं विशदः प्रकामं

प्रत्यपितन्यास इवान्तरात्मा ॥

It is considered that the father is free of debt when he hands over his daughter to the bridegroom. In this society when we have such evil customs as child marriage, giving in marriage of a girl of ten or twelve to a man of 40 or 50, who would be like her grandfather, we expect the girl to be loyal to the husband. In our society at present where men are allowed to marry four or five wives and the woman is left in wilderness, we expect the wives to be loyal to their husbands. In this society where we have the dowry system, in which girls are sold as slaves for money by their parents from whom we expect love for the girls, we expect the girls to be faithful to their husbands. I think that first of all, our society is not yet ready to follow the Constitution which lays down that there should be no discrimination. At present, woman is considered merely as a weak helpless piece of human flesh, devoid of soul. She has no individuality. She has to depend on man for economic support and various other things. First we should see that she gets economic independence and then we should try to change the law. So, I would request the hon. Member, though he has accepted the amendment, to withdraw this Bill. You first do justice to women. We have a Code at present which has double standards of morality. You have a severe Code for women, and she has to be the preserver of the home, of society's morals, while the man in his romantic garb of fickleness and vagaries, can gallivant about. I would request the hon. Member to be more chivalrous—I hope the age of chivalry is not gone—and withdraw this Bill.

Mr. Deputy-Speaker: May I ask the hon. Mover of the Bill if there is any provision today under the Penal Code whereby a woman is entitled to charge her husband of adultery with another woman?

Several Hon. Members: No.

Mr. Deputy-Speaker: Or, another man's wife for having seduced her husband? Now, there is that difference. Should this difference alone be mitigated?

Now, I will place this other one before the House. Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of November, 1952."

Shri Raghubir Sahai (Etah Distt.—North East *cum* Budaun Distt.—East). Sir, I rise to oppose the Bill as well as the amendments that have been made for circulation of the Bill.

I was impressed very much by the earnestness of the hon. Mover who placed this Bill before us, but I am sorry to say that I was not impressed by the reasoning he adopted in the matter. In support of his Bill he quoted certain remarks of the authors of the Code. And they are very valuable remarks, very important remarks, but I am sorry to say that the last portion of those remarks as left out by the hon. Member for reasons best known to himself. Sir, with your permission I would quote those remarks of the authors of the Code:

"We are not so visionary as to think of attacking by law an evil so deeply rooted in the manners of the people of this country as polygamy. We leave it to the slow, but we trust, the certain operation of education and of time, but while it exists, while it continues to produce its never-failing effects on the happiness and respectability of women, we are not inclined to throw into a state already too much depressed the additional weight of this penal law."

I would submit these are very wise words that should be borne in mind by the hon. Members of this House in considering the provisions of the Bill which has been moved by my friend who has just sat down.

Now, his main argument in support of the Bill as to why a woman should also be punished when a man is charged for adultery, is that the circumstances have changed since the authors of the Code wrote those memorable words, and in support of his argument, he has quoted certain remarks of the Commentator of the I.P.C., perhaps of the 1945 edition, Mr. Ratanlal, who says that he is not in agreement with the remarks of the authors of the Code but was of opinion that the wife should also be punished under an offence under section 497.

[Shri Raghubir Sahai]

My submission is that circumstances have not changed, and there are abler persons than Ratanlal, the commentator of I.P.C., who hold the contrary view.

Shri Dhulekar (Jhansi Distt.—South): They will never change in this world.

Shri Raghubir Sahai: May be. My contention is that polygamy may have been prohibited in Bombay as is asserted by the hon. Mover which is only a part of India, but it is prevalent all over the country. (*Hon. Members*: No, no.) I would quote the views of the late Dr. H. S. Gour, the famous and the celebrated commentator of Hindu Law. He says:

“Indeed, since the purpose of marriage is the procreation of a son to relieve the father from the torments of Hell, it follows that that purpose may not be often served if monogamy were the rule”.

And he is of the opinion that polygamy is customary amongst Hindus. We know it is prevalent among the Muslims also.

The hon. Mover of the Bill, in the statement of objects and reasons, has quoted about the Christians and Parsis and he says that there is no polygamy among these two sections. I submit they form a very insignificant minority of the population in this country. At the present moment you cannot prevent a man if he keeps more than one wife. He cannot be punished for that. It is a matter which should be left to public opinion, and is purely of social reform.

In cases under section 497, what happens? We find that these cases generally arise either because the wife has been ill-treated or cruelly treated by her husband, or that the husband has deserted his wife, or that the husband is of a bad character. And it would be really cruel on the part of the law if a woman placed under these unhappy circumstances were to be punished for an offence under section 497. There are cases where young women have been virtually deserted by their husbands, who are living with their parents, the husbands having taken a concubine or taken to prostitution, and when the parents of the woman expressed desire to marry their daughter, the husband would not permit her to be re-married, because under the present state of law, in the presence of section 497 I.P.C., a Hindu father or a Hindu mother of such a

girl could not think of marrying that girl again so long as that husband is alive, and would not permit her to be re-married. That is a very unenviable position in which our womenfolk are sometimes placed. As I submitted before, it is a case purely of social reform, and in our country, although we are free, we are independent and we enjoy a Republican Government, we are not sufficiently advanced socially. We stand in need of many social reforms and this is one of them. Some of our sages of yore gave more protection to women in such unfortunate circumstances. Shri Ratan Lal has quoted Manu, but Manu I submit is out of date in certain respects. So many punishments laid down in the Code of Manu will not be quite tasteful to the present day society. With your permission, Sir, I would quote one or two lines from Kautilya's 'Artha Shastra':

“If a husband is of bad character or is likely to endanger the life of his wife or has lost virility, he may be abandoned by his wife.”

May I submit that under the law as it exists to day, no Hindu woman can adopt that course. She is not free to abandon her husband. Divorce is not permitted in Hindu society. The laws that were promulgated by Kautilya were more generous so far as women were concerned. Taking all these things into consideration, the present state of illiteracy, lack of educational facilities, the helpless state of women, the presence of polygamy etc., prevailing in the present state of society, it will not be wise to pass this Bill. I would therefore request the hon. Member to withdraw the Bill.

Shri Dabhi: In deference to the wishes of my hon. friends, who have spoken, I beg to move for leave to withdraw the Bill.

Mr. Deputy-Speaker: The question is:

“That leave be granted to withdraw the Bill.”

There are many other non-official Bills coming up, which are equally interesting on the order paper. So hon. Members will give leave for withdrawal unanimously.

The motion was adopted.

Kumari Annie Mascarene (Trivandrum): Sir, I have opposed the motion for leave to withdraw the Bill. Therefore is it in order to grant leave now to withdraw the Bill?

Mr. Deputy-Speaker: To my hearing, no hon. Member opposed the motion. The rule that no motion can be withdrawn except by the leave of the whole House does not apply to the withdrawal of a Bill. The motion for leave to withdraw can be carried by a majority of the House. The House need not be unnecessarily taxed, with regard to the Bill, when the Mover himself is half-hearted.

STERILISATION OF THE UNFIT BILL

Shri S. V. Ramaswamy (Salem): I beg to move:

"That the Bill to prevent procreation of human being of undesirable physical and mental conditions by certain types of people, be taken into consideration."

This Bill is a bit extraordinary. From the way in which it has been received, I find that it seems to have roused more than an ordinary interest. I believe this is the first Bill of its kind in this country.

Shri Dhulekar (Jhansi Distt.—South): It will be the last also.

Shri S. V. Ramaswamy: This is evidently a very contentious measure, and I believe there is going to be a lot of opposition to the Bill from various angles.

The Bill is a small one with nine clauses. As you will see, clause 2 (5) is the most important. It defines unfitness as follows:

"'unfit' shall mean any person, male or female, who suffers from such a type of leprosy or syphilis, insanity or imbecility congenital or otherwise, that he or she is likely to give birth to children like himself or herself unless sterilised."

It is for the purpose of dealing with such persons in the larger interests of the health and well being of society, that this Bill has been introduced. The procedure also has been laid down as to how this Bill is to be given effect to.

Clause 3 deals with the constitution of a Board:

"Government may, by notification in the Official Gazette, constitute a board for each district including metropolitan cities with the district medical officer as the chairman and four registered

medical practitioners, of whom two shall be official and two shall be non-official."

It is not as if anybody can be called and sterilised. Only the Board is competent to deal with such persons, who come within the scope of clause 2 (5) of the Bill.

The procedure for sterilisation is laid down in Clause 4 (1). Any person can give information to that Board that such and such a person is unfit within the meaning of Clause 2 (5).

श्री धुलेकर: आन ए प्वाइन्ट आफ आर्डर। इस भवन को गैलरिज (Galleries) में बहुत स्त्रियाँ और बच्चे बैठे हुए हैं। यह बिल इस प्रकार का है, कि इस के डिस्कशन (discussion) को उन को नहीं सुनना चाहिये। इस लिये मैं प्रार्थना करूँगा कि आज विजिटर्स (visitors) यहाँ से हटा दिये जायें, यह ज्यादा अच्छा होगा।

Mr. Deputy-Speaker: There is no point of order. So far as this matter is concerned, in these times, everybody should know what is happening.

Shri S. V. Ramaswamy: Thereupon the Chairman of that Board will have to write to any Magistrate of the First Class having jurisdiction over the place, asking that summons shall be issued by that Court to that person in order to appear before it and that person shall by an order be bound to appear before the Board, provided that the date fixed for appearance before the Board shall not be less than twenty-one days from the date of such order. The moment there is a *prima facie* case made out that he is one of the persons coming under one or other of the categories mentioned in clause 2(5), then an order shall be passed that he be bound over to appear before the Board. Now, the date on which he is to be bound over shall not be less than 21 days from the date of that order and a copy of that order should be furnished to that person forthwith free of cost. If on the date fixed, he does not appear, power is now sought to be given to the Chairman of the Board to report such fact to the Superintendent of Police of the District so that he may secure the presence of the person before the Board for examination. After securing the presence of that person in the manner described above, the Board is authorised under clause 5 to proceed to the