

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 The rule that no motion can be withdrawn except by the leave of the whole House does not apply to the withdrawal of a Bill.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: जान 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 चुनना चाहिये। इस लिये मैं प्रार्थना करूंगा कि आज विजिटर्स (visitors) यहां 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

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examination of the person to find out whether he is fit or unfit in terms of clause 2(5). Clause 5 provides that if the majority of the Board think that he is unfit, a declaration to that effect shall be made in writing, but if the majority hold him not unfit he shall be discharged forthwith. A copy of such declaration shall be furnished to the person on the same day free of cost. Thereafter, it provides that the Board do proceed with the authorisation of the sterilisation in the manner described in clause 2(5), about which I shall presently expatiate.

Now clause 7 is very important. You will be pleased to see, Sir, that the liberty of the individual is not sought to be tampered with lightly. There are two stages of appeal provided for. First of all, when there is an order made by the First Class Magistrate to appear before a court, he is given 15 days' time to appeal against that order. It is defined in clause 2(2) as a District Court. So he can appeal against that order and pending the appeal shall not appear before the Board. Sub-clause (4) of clause 7 provides that nothing shall prevent the court from granting a stay pending disposal of case. So that in the first place, there is a right of appeal given to the person who is sought to be brought under the purview of this Bill by showing cause against the order for appearance before the Board and in doing so, he can also obtain an order of stay so that the Board may not proceed straightway with the case. Then there is another stage at which an appeal is provided. If after examination by the Medical Board it is found that he is unfit, then again he has got a right of appeal to the same court and the time for appeal is fixed as 15 days so that he may appeal and obtain a stay against the order of the court ordering sterilisation. So there are definitely two stages, two brakes on the headlong use of this Bill in tampering with the liberty of the individual. When all these appeals get exhausted, then the person is dealt with according to the provisions of clause 5.

Clause 8 also is very important because this measure may be misused or abused to subvert the private ends of persons not favourably disposed to others. Therefore, it provides that anyone giving information against any person that he is unfit without just or reasonable cause with a view to induce the Board to proceed under this Act, and if that information is found to be false or fraudulent or given with

a view to annoy, intimidate, defame or disgrace that person, shall be liable to a fine of five hundred rupees.

Then there is clause 9 which gives general power to Government to proceed. My friends might say that this clause severely interferes with the liberty of a person and that it is broad in its application to persons. I have set out the aims and objects and I have also given in broad outline the main provisions of this Bill. But I would like to explain, lest the House should be under any misapprehension, as to what this sterilisation is, and to take this House briefly to some of the aspects of anatomy, physiology and surgery. I need not elaborate upon this, but with due consideration for Members of this House I shall indicate what the methods are. Vasectomy is a well-known method and I submit to this House that it is resorted to even in normal life by normal persons, healthy persons...

Sardar Hukam Singh (Kapurthala-Bhatinda): On a point of order, Sir. This Bill presupposes and has in it the constitution of a Board. It necessarily implies some expenditure. Unless he has got the permission of the President, it cannot be proceeded with and the Bill passed. May I know whether permission has been obtained?

Shri S. V. Ramaswamy: There is no expenditure involved at all, because it is the District Medical Officers who will be in the Board and they are already paid servants of the State Governments. There are other Government officials also appointed and I submit there is no expenditure involved. Therefore, the permission of the President under article 117 is not necessary.

Mr. Deputy-Speaker: The Mover of the Bill does not think that there will be any expenditure involved, because non-officials may come and do the work voluntarily and so far as Government servants are concerned, they can be asked to work without further remuneration. Under those circumstances I cannot rule it out on that ground when the Mover of the Bill says there is no expenditure involved and that it can be carried on without any expenditure with doctors voluntarily serving on this Board and incurring their own travel expenses, daily allowances etc.

Sardar Hukam Singh: What about the official members who will be on the Board? Their time would be spent.

Mr. Deputy-Speaker: What they do in their hospitals they will do elsewhere. It is not such a *prima facie* objection on which I can rule it out. (*Interruption*).

Shri S. V. Ramaswamy: Sir, vasectomy is, I submit, a very simple operation. It is submitted to by even healthy and normal persons for the sole purpose of limiting their families. I know of several cases where middle class people lower and upper—who feel that after having three or four children they cannot afford to have a further addition to the family, if they have got any sense of maintaining their standard of living and giving their children the best of education and of culture, voluntarily submit themselves to this vasectomy and I know of a surgeon whose practice is mainly vasectomy. Therefore, there is nothing extraordinary in this vasectomy which means only cutting the vas or tube through which the fluid that keeps up the human race going flows. The flow is interrupted by a minor operation, by a small incision in the scrotum...

Mr. Deputy-Speaker: Should all these details be given here? An operation is not being undertaken here. Is it not enough for the hon. Member, not being a doctor, to say that it seems to be a minor operation?

Shri S. V. Ramaswamy: With due respect to you, Sir, I have studied the subject.

Mr. Deputy-Speaker: The details of the operation need not be given here.

Shri S. V. Ramaswamy: I take the orders of the Chair. There is also ovariectomy in the case of women, but that is more serious because it needs an abdominal operation which is really a major one.

I support this measure on four grounds: Firstly, on the ground of eugenics, secondly, on social and public health grounds, thirdly, on moral and religious grounds, and, fourthly, on economic grounds. The last will be my weakest argument, but I submit that the first one, namely, eugenics, will be my best.

Shri Dhulekar: What is the first ground?

Shri S. V. Ramaswamy: Eugenics.

३० एन० बी० सरे : (गवालियर)

सप्रजाजनन शास्त्र ।

Shri S. V. Ramaswamy: Eugenics, Sir, is nothing new. It was practised in ancient Greece, in Sparta and Athens.

Shri Dhulekar: Is Sparata still living or dead?

Shri S. V. Ramaswamy: Our ancestors are dead, we alone live, and we also will pass away.

Shri Dhulekar: Because they followed this method they are no more.

Mr. Deputy-Speaker: Hon. Members are entitled to draw their own conclusions, but let the facts be stated—the hon. Member has facts from the dawn of history up to the present day.

Shri S. V. Ramaswamy: Sir, I submit that eugenics is nothing new and has been practised before. I will quote a passage from 'The Life of Greece' by Will Durant:

"To train men to an ideal so unwelcome to the flesh it was necessary to teach them from birth the most rigorous discipline. The first step was ruthless eugenics."

Something we have not heard of, something revolting to our modern sense—a father had a right to infanticide if the child was weak or sickly. Then:

"Not only must every child face the father's right to infanticide but it must also be brought before a State Council of inspectors; and any child that appeared defective was thrown from the cliffs of Mt. Tegetus to die on the jagged rocks below."

Eugenics has got two aspects: Positive, with which this Bill is not concerned, and negative, with which this Bill is concerned, that is the aspect of avoiding undesirable offspring. That is the aspect that this Bill deals with. As regards the positive aspect and how it was dealt with, I shall not read extracts relating to that because it will be revolting to hear them and there are lady Members in this House. I would merely read out a passage from 'The Science of Life' by H. G. Wells:

"In several American States surgical sterilisation—a very slight operation, the ligaturing of the oviduct or the vas deferens—is performed upon various types of mental defectives incapable of self-control. 6,000 such operations have been performed in California alone and it would be difficult to find fault with the results. That there is pressing need for such negative eugenics in the Atlantic communities due to the steady elimination of death selection from

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human conditions is shown by the British Board of Education report of the Mental Deficiency Committee, 1929. This records an increase of 100 per cent. in the defectives of Great Britain between 1906 and 1927 while the population as a whole has increased only 14 per cent. At present there are close on 100,000 certifiable defectives in every million of the English population....." and so on.

Later on, towards the end of his life the great writer, H.G. Wells wrote thus:

"It seemed to me that to prevent the multiplication of people below a certain standard and to encourage the multiplication of exceptionally superior people was the only real and permanent way of mending the ills of the world. I think that still."

There are other passages which I need not quote but I shall satisfy myself by reading, with your permission, a passage from Bertrand Russell's 'Marriage and Morals':

"Eugenics is of two sorts, positive and negative. The latter is more practicable. It has indeed made great strides in certain States in America and sterilisation of the unfit is within the scope of immediate practical politics in England. The objections to such a measure which one naturally feels are, I believe, not justified. Feeble-minded women, as everyone knows, are apt to have enormous numbers of illegitimate children, all as a rule wholly worthless to the community. These women would themselves be happier if they were sterilised since it is not from any philoprogenitive impulse that they become pregnant. The same thing, of course, applies to feeble-minded men. There are, it is true, grave dangers in the system since the authorities may easily come to consider any unusual opinion or any opposition to themselves as a mark of feebleness. These dangers, however, are probably worth incurring since it is quite clear that the number of idiots, imbeciles and feeble-minded could, by such measures, be enormously diminished."

Sir, I will not read other passages but I would submit that the law in some other countries is wider in scope. Of the 48 States in the U.S.A., 28

have an enactment dealing with the sterilisation of the unfit in one form or another the definition varying from State to State. I would only submit to you what the law is in the State of Idaho:

"The law of the State of Idaho allows sterilisation of mental defectives, epileptics, habitual criminals, moral degenerates and sex perverts."

Commenting upon that Bertrand Russell has argued that the last two categories here are very vague and will be determined differently in different communities. He says:

"The law of Idaho would have justified the sterilisation of Socrates, Plato, Julius Caesar and St. Paul."

To that list I might add, if I were to believe the contemporary biographies and the history of recent times, Adolf Hitler—he too would come under that list.

I may here also refer you to the Soviet Civil Code. There the law, though not so stringent, yet makes provision for the prevention of marriage between undesirables. May I, with your permission, read a short passage from Vladimir Spovskii's "Soviet Civil Law". Chapter II, Section 6 says:

"No marriage between persons of whom one at least in the manner prescribed by law has been adjudged feeble-minded or insane... shall take place."

Then in Chapter I, Part IV, there is the following provision:

"Those who register a marriage shall produce with a declaration their identification papers and sign a statement that none of the legal impediments to marriage specified in Part I Chapter I of the present Code exist and that they are mutually informed as to the state of health of one another, in particular with regard to venereal and mental disease and T.B."

There are similar laws in Denmark and Sweden. I do not wish to tire the House by bringing all those laws to its notice. Suffice it to say that the measure I have submitted to the House is not extraordinary because in other parts of the world similar laws are in force.

I support this Bill on social and health grounds as well. I am sorry I have no exact statistics in respect of

cases of syphilitics, mentally deficient, lunatics and unsound persons. Only about lepers I could get information. The information is dispersed over the reports of many States. But I presume the number is very large in the case of these syphilitics, mentally defectives and idiots congenital or otherwise. With regard to leprosy, I find from the report of the Government of India in 1947 (which does not give figures for Orissa) that the number of lepers was 240 thousand. This is somewhat interesting and shows the way in which the Government of India have sought to deal with this problem. When the numbers are so magnitudinous, we find that in the Budget (Demand No. 52) a provision of Rs. three lakhs only has been made for subsidising schemes in connection with blindness, leprosy, tuberculosis etc. This amount, I may point out, is equal to the amount spent on the rhythmic method which I submit is neither rhythmic nor contains any method. It is like the Grand Trunk Express, which is neither grand nor an express and only the trunk is there. If this sum of Rs. three lakhs is distributed, it will come to Re. one per leper or even less. Statistics are not available about syphilis, but judging from the position in America and the West, one finds that it is a scourge and eats into the vitals of the nation. It requires to be tackled properly.

I shall come to the moral and religious side later. I shall try and anticipate the arguments of the hon. friends on the other side.

An Hon. Member: On your side also.

Shri S. V. Ramaswamy: On all sides, let us say. My hon. friends will first of all raise an objection that it is a serious invasion of personal liberty. My hon. friend of the *Ram Rajya Parishad* put forward this argument while opposing the very introduction of this Bill. Fortunately, while our Constitution provides for various fundamental rights it does not provide a right to parentage. It is not necessary that everyone should marry and get children. There is a loophole and I believe it was left designedly and not by accident so that we may have a provision like the present Bill. If anyone puts forward the plea that this is an invasion of personal liberty, my reply would be this. Let us look at the existing laws. You cannot forget that under State law you are submitting to an invasion of your personal rights in one form or another. When a child is born, within four or five months it surrenders its personal rights to the State. I am referring to the vaccination laws. No parent can

say that he will not get his child vaccinated because it is an invasion of personal rights. If a parent says like that, he shall be punished and *willy nilly* the child will be vaccinated. Similarly, if there is an epidemic or smallpox, the State has a right to invade your personal rights and inject a vaccine into you. If information is given to the municipal authorities that a person is suffering from an epidemic, then that person will be bodily removed in an ambulance van and kept in an isolation ward. It is not open to him to say, "This is my home. You cannot remove me." When you are in an isolation ward, Sir, you cannot say...

Mr. Deputy-Speaker: Why should I be the target of attack? He may put it in the third person.

Shri S. V. Ramaswamy: I stand corrected.

An Hon. Member: There are other Bills also.

Shri S. V. Ramaswamy: The next one is also mine. Now, Sir, it would not be open to an infected person while in the infectious ward to say that he will get back home. There will be some sort of "preventive detention", not under the Preventive Detention Act but under the municipal laws, and my hon. friend Mr. Gopalan cannot say that the charge is defective. If the person is really infected, he will be detained. Therefore my humble submission is this, that there are already laws which invade the right of a person, and in providing for a measure like this where the State takes a right to interfere with your person in order that you may not transmit a diseased person or a mentally defective person and burden the State, there is nothing new or extraordinary.

There may be the other objection, namely that a power like this might be abused. True, it has been abused before. We had the extraordinary case of the race superiority theory of Rosenberg who supplied it to Adolf Hitler, and under this measure of sterilisation so many innocent persons, Jews, were sterilised for political purposes. That is not the purpose here. It may be that South Africa may think of some other measure than racial segregation and might even think of sterilisation. We are not thinking of such things. We want to have a measure like this only for the better improvement of society and social conditions, so that the number of defectives, syphilitics, lepers, insane and imbecile who are a burden upon the society and the State may be, if not totally avoided, at least lessened. That is the humble object of this Bill.

Dr. N. B. Khare: Throw all these persons in the Arabian Sea.

Mr. Deputy-Speaker: That is another form!

Shri V. P. Nayar (Chirayinkil): Does the hon. Member consider leprosy and insanity to be congenital diseases?

Shri S. V. Ramaswamy: There is a dispute with regard to leprosy whether it is hereditary or not. But with regard to syphilis I can quote from authorities that it is hereditary, and it is a very dangerous hereditary disease.

Shri V. P. Nayar: I did not say syphilis. I said insanity.

Shri S. V. Ramaswamy: Yes, Sir, I am able to cite authorities to show that insanity and feeble-mindedness is hereditary and can be transmitted from generation to generation. (Some Hon. Members No, no) I shall reply to these things at the appropriate time.

Mr. Deputy-Speaker: Let the hon. Member finish.

Shri Jwala Prashad (Ajmer North): On a point of information. May I know whether bald-headedness is considered to be one of the undesirable diseases or not?

Mr. Deputy-Speaker: Order, order.

Shri S. V. Ramaswamy: Sir, the hon. Member who has made an attack on baldness might bring an amendment to my Bill. Now, it is also urged that a Bill like this...

Mr. Deputy-Speaker: I would urge this upon hon. Members. Somehow, unfortunately, a tendency is visible of referring to the personal defects of hon. Members. One day I heard something about deafness. Now it is baldness. There is no end to these. We have met here for a solemn purpose. There is no meaning in hon. Members attacking one another and referring to those defects and other things. I would urge upon hon. Members to keep this in mind and never refer to any personal defects either of the head or of the heart or the physical condition of any hon. Member here. All of us are in the best of health and the best of appearance. Let us proceed in that spirit.

11 A.M.

Shri Nand Lal Sharma (Sikar): With due respect to the Chair, I want to know whether this Bill itself is a solemn Bill.

Mr. Deputy-Speaker: It can be understood. The hon. Member has

read Manu and Yagnyavalkya also. If the other hon. Member is not able to quote from these, the hon. Member will have that opportunity. This is a solemn Bill.

Shri S. V. Ramaswamy: Sir, I shall just quote the words of one of the eminent writers in England, and with that I shall conclude so that other Members may have an opportunity of speaking on this Bill. James G. Needham writing "About Ourselves" says:

"Although this operation is done for social betterment, safeguarded by many restrictions and sanctioned by law, many deem it an inhuman practice. It lacks the support of tradition. But surely the unlimited breeding from defective stock should not be allowed to go on crowding the earth beyond endurance and filling the land with stagnation and misery."

It is in that spirit that I have moved this Bill for the kind consideration to this House.

Mr. Deputy-Speaker: Motion moved.

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

There is an amendment to this motion by Shri M. D. Ramaswamy. The hon. Member may move his amendment first and then address his arguments.

Shri M. D. Ramaswamy (Aruppukottai): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon."

Mr. Deputy-Speaker: By what date? The date ought to be given.

Shri M. D. Ramaswamy: "...by the 31st October, 1952."

Sir, the Mover of the Bill has given his reasons for bringing forward this Bill. In the Statement of Objects and Reasons to the Bill he says:

"It is a social tragedy to allow lepers, syphilitics, the insane, the congenital idiots and the like to bring forth children. Their own lives are miserable. They should not be allowed, in the better and larger interests of society, to multiply themselves. A positive action to prevent misery and to improve the general health of the nation is called for. A perceptible increase

in these types of people, calls for a legal provision to control and avoid it. The Bill is intended to serve this purpose."

The educated people and people with progressive views are likely to agree that this Bill is necessary in the interests of the nation. But such people form a microscopic minority of the public at large. Even when social reformers and people who are interested in seeing that the population did not increase in such proportions day by day advocated sterilisation or birth-control measures, there was an upsurge and an upheaval of opinion against such measures. So it is necessary that the opinion of the people, who are likely to object to this Bill on the ground of religion or sentiment, should be sought. Unless in response to the sense of this House my hon. friend, the Mover of this Bill is going to withdraw the Bill, the least that we can do is to allow it to be circulated for public opinion.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1952."

श्री धुलेकर : माननीय अध्यक्ष महोदय, जो बिल मेरे मित्र ने पेश किया है उस के सम्बन्ध में

Shri S. V. Ramaswamy: May I request the hon. Member to speak in English?

श्री धुलेकर : मैं अपने मित्र से इस बात को कहता हूँ कि जो कुछ मैं बोलूंगा वह आप समझ सकेंगे इस प्रकार बोलूंगा। आप ने आबजैक्ट्स एंड रीजन्स (objects and reasons) में जो बात लिखी है उसी के लिये मैं आप से कहना चाहता हूँ कि वह चीज़ बिल्कुल सिद्ध नहीं है

Mr. Deputy-Speaker: The hon. Member will kindly address the Chair.

श्री धुलेकर : मैं माफी चाहता हूँ। मैं आप के द्वारा अपने मित्र से यह कहना चाहता हूँ कि जो कुछ कि बात मैं यहां पर

कहूंगा वह ऐसी भाषा में कहूंगा कि जिस से वह पूरे तौर से समझ लें कि मैं क्या कह रहा हूँ। उन्होंने ने आबजैक्ट्स एंड रीजन्स में यह कहा है :

"It is a social tragedy to allow lepers, syphilitics, the insane, the congenital idiots and the like to bring forth children. Their own lives are miserable. They should not be allowed, in the better and larger interests of society, to multiply themselves."

Mark the word "themselves"

'दैमसेल्ज (themselves) का अर्थ यह होता है कि यदि कोई पागल मनुष्य हो तो उस के हमेशा पागल बच्चा होता है, अगर कोई सिफिलिटिक (syphilitic) आदमी हो तो उस का जो बच्चा पैदा होता है वह सिफिलिटिक होता है, अगर कोई मनुष्य लैपर (leper) हो तो उस का बच्चा लैपर होता है। मैं आप के द्वारा अपने मित्र से यह कहना चाहता हूँ कि जो माडर्न मैडीकल साइन्स (modern medical science) है जहां तक उस की पहुंच है उस ने इन चीजों को बिल्कुल डिस्पूव (disprove) कर दिया है और यह कहा है कि यह बात हो सकती है कि यदि घर में इस प्रकार का वातावरण हो कि जिस से एक की बीमारी दूसरे को लग जाये, तब तो यह बात हो सकती है, लेकिन यह कदापि सिद्ध नहीं माना जा सकता है मैडिकल साइन्स के द्वारा कि सिफिलिटिक आदमी का बच्चा भी सिफिलिटिक होगा। यह दूसरी बात है कि बहुत खोज की जाये और यह बात कही जाये कि उस की दूसरी या तीसरी या चौथी पुस्त में कोई मनुष्य सिफिलिटिक था। मैं समझता हूँ कि इस प्रकार का निर्णय करना बात को बहुत दूर तक खींचना होगा। मैं तो यह समझता हूँ कि मेरे मित्र ने बाहर की बहुत चीजें पढ़ी और देखी भी हैं। जब उन से और मुझ से एक मर्तबा बात चीत

[श्री धुलेकर]

हुई थी तो उन्होंने ने यह ख्याल भी जाहिर किया था कि अगर हमारे समाज को ज़िन्दा रहना है तो जो गरीब फ़ैमिलीज़ में उन को राइट आफ़ ऐबार्शन (right of abortion) भी दे देना चाहिये और मेरे मित्र वह कहते थे कि वह ऐसा भी बिल हाउस के सामने लाना चाहते थे । वह उस बिल को नहीं लाये यह हमारे ऊपर बड़ी कृपा हुई क्योंकि भारत वर्ष में भ्रूण हत्या बड़ी भारी चीज़ मानी जाती है । कम से कम कुछ समय के लिये तो हम स दोष से बच गये ।

पहली बात इस बिल के सम्बन्ध में मैं उन से यह निवेदन करना चाहता हूँ कि उन्होंने हाउस के सामने कोई ऐसा डेटा (data) नहीं रखा है जिस से कि जो चीज़ उन्होंने ने कही है कि , मल्टीप्लाई दैमसेल्वज़ (multiply themselves) वह सिद्ध होती हो । यह ऐसी सिद्ध बात नहीं है कि जिस से हर एक मनुष्य यह समझ ले कि लैपर का लड़का लैपर होता है । अपनी इस बात के पक्ष में मैं एक बहुत बड़े आदमी का सबूत देना चाहता हूँ । मैं अपने मित्र से यह कहूंगा कि इस बात के ऊपर वह महात्मा गांधी का लेख पढ़ें जिस में कि महात्मा गांधी ने यह कहा है कि मैं इस बात को मानने के लिये तैयार नहीं हूँ कि लैपर का लड़का लैपर होता है । इस से बढ़ कर मैं और कोई शहादत उन के सामने पेश नहीं कर सकता हूँ क्योंकि महात्मा गांधी ऐसे नहीं थे जो कभी अपनी लेखनी द्वारा ऐसी बात निकालते जब तक कि वह तमाम डाक्टरों और वैज्ञानिकों को बुला कर पूछ न लेते और जब तक उन के हृदय में वह बात न आ जाती । उन की लेखनी द्वारा यह बात निकली इस लिये मैं समझता कि उन्होंने ने इस पर गौर किया होगा ।

कुछ लोग इस बात को जानते हैं कि महात्मा जी ने सेवानाम में एक लैपर को भी रख छोड़ा था और उन को वह कभी कभी स्वयं भी औषधि लगाया करते थे ।

जहां तक मैं समझता हूँ कुछ हद तक तो ऐसा हो सकता है कि छूने मात्र से लैपरासी लग जाये लेकिन इसी के साथ मेरा आप से यह निवेदन है कि आज जो हिन्दुस्तान में लैपरासी बढ़ रही है इस का कारण एक दूसरे का स्पर्श नहीं है । ऐसी बात नहीं है । लैपरासी उत्पन्न होने के कारण दूसरे हैं । मैं एक दम यह कहने के लिये तैयार नहीं हूँ कि स्पर्श से लैपरासी होती ही नहीं है बल्कि मैं यह निवेदन करना चाहता हूँ कि कुछ अंश तक तो यह स्पर्श से हो सकती है लेकिन मैं समझता हूँ कि उस का दूसरा कारण यह है कि कुछ दिनों से भारत वर्ष में गोश्त खाने का रिवाज बढ़ता जाता है । हमारे भारत-वर्ष में प्राचीन समय से अन्न पर बहुत जोर दिया गया है और खाने के पदार्थों का विश्लेषण कर के यह कहा गया था कि यदि समाज सैंकड़ों बीमारियों से बचना चाहता है तो उस को पवित्र अन्न खाना चाहिये । लोग इस बात को कहेंगे कि पीछे से पवित्र का अर्थ यह निकाला गया कि एक मनुष्य दूसरे का छुआ हुआ अन्न न खाये । मैं आप से निवेदन करूंगा कि उस हद तक तो मैं नहीं जाता कि जिस हद तक यह कहा जाये कि एक मनुष्य दूसरे का छुआ हुआ अन्न न खाये । लेकिन मैं यह ज़रूर बहुत जोर से कहना चाहता हूँ कि जहां तक वर्तमान होटल पद्धति है और सड़क के पास जो तमाम हज़ारों खाने की दूकानें जो रखे हुए हैं यहां का खाना हमारी बीमारियों को पैदा करने का ज़िम्मेवार है । श्रीमान् जी , आप यह समझते ही होंगे कि सड़कों के पास जो होटल रहते हैं उन होटलों के कीपर (keeper) बहुत गरीब होते

हैं और वह अपने नौकरों को, अपने लड़कों को और अपने मददगारों को इतनी स्वच्छता से नहीं रख सकते जितनी स्वच्छता से कि मामूली मनुष्य अपने घर में रहता है। उन को तो जल्दी रहती है। अगर किसी ने कहा कि मुझे एक कप चाय देना या किसी ने कहा कि मुझे आध पाव मिठाई देना. . .

Mr. Deputy-Speaker: Is it the contention of the hon. Member that there were no hereditary diseases, congenital diseases at all?

श्री धुलेकर : इस बारे में मैं यह निवेदन करना चाहता हूँ कि जिस हद तक मैं ने माडर्न साइन्स की पुस्तकें पढ़ी हैं और जिस हद तक आयुर्वेद की पुस्तकें पढ़ी हैं उन में, यह कहा गया है कि यह सिद्ध नहीं हो सकता है कि अगर किसी बीमारी वाला पुरुष लड़का पैदा करेगा तो वह उसी प्रकार का पैदा करेगा जैसा स्वयं है। यह हो सकता है कि दो तीन पुस्त के बाद असर होता हो। जैसा कि ब्लाइंडनेस (blindness) है। कुछ लोगों ने यह कहना शुरू किया है कि दालदा खाने से तीसरी पुस्त में बच्चे अच्छे हो जायेंगे। कुछ लोग वह कहते हैं। मैं कह नहीं सकता कि तीसरी पुस्त के बाद क्या होगा लेकिन मैं इस बात को कह सकता हूँ जब तक कोई साइंस इस बात को पूरे तौर से सिद्ध न कर दे कि जो इस बिल में लिखा है वह साबित हो सकता है, तब तक मैं इस को नहीं मान सकता।

मुझे ऐसे बहुत से लोगों का हाल मालूम है जो बिल्कुल पागल हथकड़ियों में बंधे हुए १०-१० और १२-१२ वर्ष तक अपने मकान में रखे गये हैं, उन लोगों को अक्सर मैंने देखा है कि बच्चे बहुत अच्छे सुन्दर और दिमाग वाले होते हैं और मैं ने साथ ही साथ यह भी देखा है कि बड़े बड़े विद्वान और बुद्धिमान मनुष्यों के पागल लड़के होते हैं। हर एक आदमी आप देखेंगे कि जो पागलखाने

जाता है उस का पिता कभी पागल नहीं था और न कभी वह पागलखाने गया। आप यह भी पायेंगे कि बड़े बड़े बुद्धिमान आदमियों के पागल बच्चे पैदा होते हैं और एक पागल आदमी के बुद्धिमान और दिमाग वाले बच्चे पैदा होते हैं। जब ऐसी हालत हो, तो यह कैसे कहा जा सकता है कि इस को ऐसे कर दें।

दूसरी बात जो मैं आप के सामने पेश करना चाहता हूँ वह यह है कि इस प्रकार के कानून जब समाज के सामने रखे जाते हैं तो समाज बहक जाता है। मैं तो यह समझता हूँ कि भारत वर्ष में प्राचीन समय से एक परम्परा चली आई है कि कानून के द्वारा सामाजिक व्यवस्था कभी चलाई नहीं गई है। अभी मेरे एक मित्र जो एक दूसरे विषय पर बोले, और उन्होंने मानव धर्मशास्त्र और कौटिल्य शास्त्र के बारे में कहा और उन के अलावा बहुत सी स्मृतियाँ हैं, उनमें आप यह देखेंगे यह सारे शास्त्र और स्मृतियों को हमेशा स्वतन्त्र साधू लोगों ने लिखा, कभी वह राज्य की तरफ से नहीं चलाई गई। किसी लेख में आप ऐसा नहीं पायेंगे जिस से पता चलता हो कि उन्हें राज्य ने चलाया हो। आप भारत वर्ष के किसी लेख में यह नहीं पायेंगे कि अमुक राज्य में यह स्मृति चला दी गई हो जिस प्रकार से यह इंडियन पैनल कोड (Indian Penal Code) चलाया गया और जिस ने राज्य में उस के अनुसार काम न किया तो उस को सजा दी गई, स्मृतियों के बारे में कभी ऐसा नहीं रहा। याज्ञवल्क्य स्मृति, मिताक्षरा, और व्यवहार मयूषा यह सारी चीजें जैसे ला आफ अडाप्शन (Law of adoption) दत्तक विधान में ने बहैसियत लायर (lawyer) के खूब पढ़ा, लेकिन मैं ने भारत वर्ष के इतिहास में यह कहीं नहीं देखा कि अमुक

[श्री धुलेकर]

राज्य में कोई स्मृति कानून की तरह चलाई गई हो जैसे कि इंडियन पैनल कोड चलता है। आप पायेंगे कि भारत वर्ष ने पूर्व में मानव समाज पर भरोसा किया है, उन की आत्मकिता पर भरोसा किया है। हिन्दू समाज में बड़े बड़े महात्मा लोग आये और उन्होंने ने ब्रह्मचर्य का प्रसार किया। हमारे संत महात्मा तुलसीदास ने रामायण लिख कर सीता और राम का आदर्श भारत-वासियों के सामने अनुकरण करने के लिये रख दिया। सीता को इस लिये खड़ा कर दिया कि हमारी नारी जाति सीता के आदर्शों पर चलने का प्रयत्न करे, उसी प्रकार से उन्होंने ने राम का आदर्श हमारे सामने उपस्थित किया ताकि हमारा पुरुष समाज राम का अनुकरण करने की कोशिश करें। राम सीता को बाहर तो कर देते हैं लेकिन वह दूसरी पत्नी नहीं लेते हैं और एक पत्नीवृत्त का आदर्श हमारे सामने रखते हैं। आप देखेंगे कि हमारे देश ने इस बात पर अधिक जोर दिया है कि सामाजिक नियम जितने कम सरकार द्वारा लागू किये जायेंगे, उतना ही समाज ऊपर उठता है, और जितने ही अधिक समाज के ऊपर सामाजिक सुधार के कानून लागू किये जाते हैं उतना ही वह समाज नीचे गिरता है। यदि पहला बिल मेरे सामने आता और मुझ को बोलने का मौका मिलता, तो श्रीमान्, मैं आप से निवेदन करता हूँ कि अगर वह बिल कहीं पास हो गया होता, तो उस का क्या असर हुआ होता। यही होता कि इस देश में अमीर बुद्धों का राज्य हो जाता, वह अपने मीहल्लों में गरीब स्त्रियों को बहुत से प्रेजन्ट्स (pre-senta) और उत्तम वस्तुएँ दे कर बहकाते और यदि कोई गरीब आदमी उस के विरुद्ध हो हल्ला करता तो पहली बात उस के सामने यह आती कि उस स्त्री को बचाने के लिये पहले उस स्त्री को सजा होगी

और इस डर के कारण उस बेचारे का मुंह बन्द हो जाता। लेकिन सौभाग्यवश आज जो कानून है उस के अनुसार एक महिला की समाज में और मौहल्ले में रक्षा की जाती है, हर एक आदमी उस की रक्षा के हेतु आंख से देखता रहता है और गुंडों को यह डर रहता है कि अगर उस ने कहीं किसी स्त्री की तरफ बुरी नज़र उठाई तो वह जेल खाने भेज दिया जायेगा। लेकिन आज अगर वह बिल पास हो जाता तो स्त्री को भी उस में सजा होती और इस तरह उस बिल का मकसद ही सारा खत्म हो जाता, ठीक उसी प्रकार जैसे कि करप्शन (corruption) का बिल हमारे सामने हाउस में आया और उस में यह विधान है कि जो आदमी रिश्वत देता है वह भी सजा पायेगा, इस तरह करप्शन करने की रजिस्ट्री हो गई और इस तरह करप्शन कभी खत्म नहीं हो पायेगा।

Mr. Deputy-Speake Are we not straying away?

Dr. N. B. Khare: It is not relevant to this Bill.

बाबू रामनारायण सिंह : (हजारी बाग पश्चिम) : उदाहरण दिया है।

Mr. Deputy-Speaker Udaharan must be relevant.

श्री धुलेकर : मैं अर्ज करना चाहता हूँ कि मैं इस बिल को सामाजिक बिल समझता हूँ, मैं इस को व्यवहारिक बिल नहीं समझता हूँ। इसी तरह करप्शन यह एक मानसिक रोग है और यह अमीर, गरीब किसी में भेद नहीं मानता। माननीय राजकुमारी जी ने कहा था कि करप्शन हर वंश में नहीं होता, और डाक्टरों से पूछा जाये तो मालूम पड़ेगा कि यह भी एक रोग ही है जो समाज में फैला हुआ है। यह देखा गया है कि हजार रुपया मासिक

पाने वाला भी रिश्तत लेता है, लेकिन ऐसा भी देखा गया है कि वह आदमी जो गरीब पांच रुपये पाता है वह रिश्तत नहीं लेता है। लेकिन इस से आप यह नतीजा नहीं निकाल सकते कि अमीर लोग रिश्तत लेते हैं, गौर गरीब रिश्तत नहीं लेते हैं, न ही आप यह कह सकते हैं कि अमीर लोग रिश्तत नहीं लेते और छोटी तनख्वाहों वाले लोग रिश्तत लेते हैं। रिश्ततखोरी और करप्शन की तो एक मानसिक बीमारी है। मैं तो अर्ज करना चाहता हूँ कि अगर मेरे मित्र कोई इस तरह का स्टर्लाइजेशन आफ दी ब्रेन (sterilization of the brain) के लिए कोई इंजेक्शन (injection) निकाल सकें तो बहुत अच्छा हो जिस से हम लोगों को उस से इंजेक्ट (inject) कर के उन के ब्रेन्स को स्टर्लाइज कर दें ताकि आदमी करप्ट (corrupt) न हो सकें और वह रिश्तत न लें और साधे साधे व्यवहार करें। इस लिये हमारे देश का हित इसी में है कि कोई ऐसा ऐन्टी करप्शन इंजेक्शन (Anti corruption injection) निकाला जाये, इस से हमें बड़ी सुविधा होगी। लेकिन आप ने इस तरह का जो बिल रक्खा है और उस में जो एक बोर्ड बनाया है और एक चेयरमैन (Chairman) रक्खा है, उस बोर्ड के चेयरमैन कौन होंगे? वह मैडिकल आफिसर आफ हेल्थ (medical officer of health) होंगे और उन के नीचे चार मैडिकल आफिसर्स (medical officers) होंगे, अब मैं कोई बुराई नहीं करना चाहता लेकिन मेरे मित्र मेरे साथ चले में उन को दिखला दूँ कि यह मैडिकल मैन और बोर्ड के लोग अगर आप उन के सामने उन की फीस रख दीजिये तो चाहे किसी भी प्रकार का सर्टिफिकेट पेंशन (pension), लीव (leave) या सुपरएनुएशन

(superannuation) का आप उन से प्राप्त कर सकते हैं। मेरे पास इस के पक्ष में कितने ही उदाहरण हैं कि जिन की बजह से तीन तीन चार चार प्रोविन्शियल हेड्स (provincial heads) इस लिये बैठ गये कि बोर्ड के सामने जब यह मामला पेश आया कि उस को सरकार पेंशन दे कि नहीं दे, तो मैं ने देखा है कि वह अफसर आफिस में जाता है, क्लर्क के पास जा कर बोर्ड के मैडिकलमैन की फीस जमा कर देता है, उस के बाद बोर्ड के सामने वह पेश होता है तो उन की बोर्ड की जो ३२ रुपया फीस होती है वह उन को मिल जाती है और वह क्लर्क द्वारा जो उस की मैडिकल रिपोर्ट (medical report) का पेपर (paper) होता है उस पर वह अपना दस्ताखत कर देता है, सारी परीक्षार्थ मूत्र आंखों वह शरीर की ओ० के० (O. K.) कर देता है और वह बोर्ड उन से हाथ मिला कर के बहुत अच्छा है रायबहादुर साहिब और नवाब साहब कह कर घर आ जाते हैं। यह मेरा तजुर्बा है। अब श्रीमान्, जी, आप सोचिये कि किसी खानदान में फज्ज कीजिये पांच लाख की प्रापर्टी (property) हैं, तो सारी प्रापर्टी हड़प करने के लिये बड़ा भाई अपने छोटे भाई के लिये यह मशहूर कर देगा कि यह लड़का पागल है, अथवा इस को सिफिलिस या कोई और अन्य बीमारी है और जा कर रुपया दे कर डाक्टर से वह इस का सर्टिफिकेट लिखवा लेगा, और इस तरह सारी सम्पत्ति पर कब्जा कर के बैठ जायेगा, जब उस का भाई १७-१८ वर्ष का होगा, तब वह डाक्टरी सर्टिफिकेट बोर्ड के सामने पेश कर देगा और ४०-५० रुपये बोर्ड को दे देता और बोर्ड उस भाई को स्टर्लाइज (sterilise) करने का हुक्म दे देगा। इस तरह आप देखेंगे कि जायदाद बड़े भाई के खानदान में चलेगी और छोटा भाई इस तरह बेचारा सतम कर

[श्री लुंकर]

दिया जायेगा और चन्द दिनों के बाद जैसा कि इस बिल में कहा गया है वह पागल डिक्लेयर (declare) किया जा सकता है, इस बोर्ड के अख्यार में यह भी होगा कि वह उस को पागल डिक्लेयर कर दे। अभी तक तो यह है कि अगर कोई पागल हो, तो जिला मजिस्ट्रेट उस को गिरफ्तार कर के आबज़ारवेशन (observation) के लिए भेजता है, उस के रिस्तेदारों को यह हक हासिल है कि वह उस पागल को अगर चाहें तो दो साल अपने मकान में रख सकें और अगर वह पागल किसी को मारता पीटता नहीं है, तो वह सोसायटी के बाहर नहीं किया जाता और लोग अपने भाइयों और लड़कों के लिये जो पागल हो जाते हैं उन के लिये हज़ारों रुपये लगा देते हैं, लेकिन मुझे अफसोस के साथ कहना पड़ता है कि मौजूदा बिल के पास हो जाने से यह असर होगा कि पहले तो उस का बड़ा भाई डाक्टर से सर्टिफिकेट ले लेगा कि उसे अमुक कौनजोनितल (congenital) बीमारी है और दूसरा सर्टिफिकेट बोर्ड से वह इस बात का प्राप्त कर लेगा कि वह पागल है, और जब वह पागल करार दिया जायेगा तो वह जायदाद से महरूम हो जायेगा और स्टर्लाइज़ कर दिया जायेगा और इस तरह बड़ा भाई छोटे भाई की जायदाद को भी अपने कब्जे में ले सकेगा।

में इस लिये अज़्र करना चाहता हूँ कि इस प्रकार के जो बिल्स हैं, मैं तो समझता हूँ कि जितने सामाजिक बिल हैं, मैं आप को अपनी आत्मा से कहता हूँ कि यदि हम भारत वर्ष को ऊंचा करना चाहते हैं तो आप हम पर विश्वास करें, हमारे मनुष्यों पर विश्वास करें। हाउस आफ दी पीपुल (House of the People) के लोग बहुत बुलन्दी से काम करते हैं। इन को भारतवर्ष में जाना

चाहिये। और लोगों से कहना चाहिये कि तुम इतने ऊंचे उठो कि हम तुम्हारे लिये कोई सामाजिक व्यवस्था का बिल न लावें, हम कोई ऐसा बिल नहीं लाना चाहते। इतना कह कर मैं समाप्त करता हूँ।

Mr. Deputy-Speaker: The hon. Minister.

Shri M. Khuda Baksh (Murshidabad) rose—

Mr. Deputy-Speaker: I have not called upon the hon. Member to speak. I have called upon the hon. Minister. At this stage the hon. Minister intervenes, so that the House may know Government's attitude, lest once again later on there should be withdrawal of this Bill and more time spent, thus blocking the other Bills.

The Minister of Health (Rajkumari Amrit Kaur): Sir, I am very glad that you have given me just a few moments which I shall take to explain the attitude of Government in this matter.

While I am extremely anxious, just as anxious as the hon. Member to speak, to eliminate the diseases that he has mentioned such as leprosy, syphilis, insanity and imbecility from the country, I wish to submit with all the emphasis at my command that this is not the way to achieve the end in view. No Government in the world has any Act on its Statute Book as far as leprosy and syphilis are concerned. Syphilis, I may say, today by modern methods is absolutely curable. And then while one child of a syphilitic may be syphilitic, there is no evidence to say that every child born of a syphilitic is going to be a syphilitic. In the matter of leprosy, medical opinion in the world is that it is not a hereditary disease. Leprosy has been eliminated from many countries, and if I have the means at my disposal here, i.e., the financial means, I guarantee to eliminate leprosy from this country also within a given period simply by isolating and segregating the cases of leprosy and their children. So, in regard to these two diseases, the question of sterilisation should not apply.

In regard to insanity, in clause 2 (5), "unfit" has been defined as "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." We have not yet reached the stage that we can say what type of imbecility or even insanity is hereditary. Eugenics is a very great

science, but it has not made all that progress which can enable any doctor to say that because a man today has lost his powers of reasoning, if he has a child, that child is necessarily going to be a lunatic. Therefore, I do not think that in view of all the medical evidence that is available to us, a Bill of this nature is necessary. Sterilisation of any man or woman is a very serious matter. No Government should at any time think of resorting to compulsion in this matter, unless one is *absolutely* certain of adverse results. Further the Boards that have been suggested by the hon. Mover might even consist of those who are not experienced. Their decisions will not be conclusive. Then they go to a court where it will certainly not be wholly a legal matter. Experts will be required. Government administrative machinery will not be available for this, and I am not prepared to concede his viewpoint that it will not be expensive in regard to the consequential results if this Bill were made into law. Therefore, I want to oppose this Bill and reiterate that there are other ways and means of seeking the object which the hon. Mover would like to bring into being. As I said, I too would like to eliminate so many things from this country, but the financial point of view apart from the practical point of view as also from the scientific point of view, the Bill is wholly unacceptable and I would ask the Mover of the Bill to withdraw it.

Mr. Deputy-Speaker: What is the attitude of the hon. Mover?

Shri S. V. Ramaswamy: There is an amendment that the Bill be circulated for eliciting public opinion.

Mr. Deputy-Speaker: If the Bill is withdrawn, the amendment will disappear.

Shri S. V. Ramaswamy: If the amendment is accepted by the House, the Bill can be circulated for eliciting public opinion, and if the opinion is adverse, we may withdraw it at a later stage. Let us know at least what is the opinion of the people.

Mr. Deputy-Speaker: I am not in a position to advise any hon. Member. The hon. Minister has spoken, and I leave it to the hon. Member.

Shri S. V. Ramaswamy: My only submission is this: Let the Bill be circulated to ascertain public opinion. If the opinion of the people is adverse...
(Hon. Members: No, no.)

Mr. Deputy-Speaker: I will put the motion to the House immediately since the hon. Member is not willing to

withdraw—first the motion for circulation, and then the motion for consideration.

The question is:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1952”

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That the Bill to prevent procreation of human beings of undesirable physical and mental conditions by certain types of people, be taken into consideration”

The motion was negatived.

CONTROL OF EXPORT AND STANDARDISATION OF HANDLOOM CLOTH BILL

Mr. Deputy-Speaker: Now, the House will proceed to take up the next Bill. Mr. Ramaswamy. There seems to be a difficulty with respect to this Bill.

Shri S. V. Ramaswamy (Salem): I thought of it, Sir.

Sardar Hukam Singh (Kapurthala-Bhatinda): Sir, clause 8 of the Bill regarding finances of the Board, should be clarified first.

Shri S. V. Ramaswamy: I had a suspicion that objection might be raised on the ground of financial implication, under article 117 of the Constitution. I refer you, Sir, to clauses 21, 22 and 23. Provision is made there for collecting stamping fees, and the Board can function with the aid of those funds. It is not necessary that any money should be spent from the Consolidated Fund of India.

Mr. Deputy-Speaker: But the hon. Member has ignored that not only expenditure from the Consolidated Fund, but any proposal for taxation in any form or shape must also receive the President's consent, or the permission of the President. Unless the hon. Member is prepared to say that clause 8 is not necessary for the Bill at all, the hon. Member will take time to consider this, and if necessary, apply to the President to give sanction. He can always apply. Therefore, I think the Bill will stand over. It is not that the House is allowing it to stand over. We will pass over to something else. It is not moved.