

उप पैदा करता हो। आज हम क्या देखते हैं ? जो वास्तव में खेती करता है, जो जमीन पर मेहनत करता है, उस के पास जमीन नहीं है, और जिन को गेहूँ और जो के पीछे की पहचान नहीं है, उन के पास हजारों बीघा जमीन है।

जो बार नौकी (बुलन्दशहर—रसित—अनुसूचित जातियाँ) : काफी पहचान है।

श्री यादव : इस में इस बात का जवाब देने की कोशिश नहीं की गई है कि . . . .

Mr. Chairman: Let us take up the next item. Shri Supakar.

14.31 hrs.

# COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

## FIFTY-THIRD REPORT

Shri Supakar (Sambalpur): Sir, I beg to move:

"That this House agrees with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 9th December, 1959."

Mr. Chairman: The question is:

"That this House agrees with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 9th December, 1959."

The motion was adopted.

14.32 hrs.

# LEGAL PRACTITIONERS (AMENDMENT) BILL\*

(Insertion of new section 14A and amendment of section 41) by Shri Ajit Singh Sarhadi

Shri Ajit Singh Sarhadi (Ludhiana): Sir, I beg to move for leave to intro-

duce a Bill further to amend the Legal Practitioners Act, 1879.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Legal Practitioners Act, 1879."

The motion was adopted.

Shri Ajit Singh Sarhadi: Sir, I introduce the Bill.

14.32½ hrs.

# INDIAN BAR COUNCILS (AMENDMENT) BILL\*

(Amendment of sections 12 and 15) by Shri Ajit Singh Sarhadi

Shri Ajit Singh Sarhadi (Ludhiana): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926."

The motion was adopted.

Shri Ajit Singh Sarhadi: Sir, I introduce the Bill.

14.33 hrs.

# POPULATION CONTROL BILL\*

Shri Balkrishna Wasnik (Bhandara—Reserved—Sch. Castes): Sir, I beg to move for leave to introduce a Bill to provide for controlling the rapidly increasing population of India and for matters incidental thereto.

**Mr. Chairman:** Motion moved:

"That leave be granted to introduce a Bill to provide for controlling the rapidly increasing population of India and for matters incidental thereto."

**The Minister of Health (Shri Karmarkar):** Sir, I beg to oppose the introduction of this Bill....

**Mr. Chairman:** Certainly the hon. Minister can oppose. Does he want to make a speech?

**Shri Karmarkar:** I should like to indicate my reasons in brief. One is the whole House is unanimously for family planning. Happily the country has taken to it kindly. The number of people that are coming up for advice is on the increase. The number of sterilizations and vasectomy operations on a voluntary basis is growing. This Bill seeks to legalise abortions for which the country, as a whole, has got an aversion. After a certain stage this Bill seeks to promote abortions and make them popular. As it is, whenever there is anything said about family planning, whether it is surgical or non-surgical, people take to it kindly. But if this Bill is passed by the Legislature then people will be under the impression that abortions are permitted and that sterilisations will be compulsory which will defeat the purpose of the Bill. I am speaking with the same objective which the hon. Member wants to promote. I am quite sure that he is planning far too ahead and going rapidly. Therefore, in the interests of the Bill itself it should not be allowed, when we are proceeding with measures with good and encouraging results.

In Japan they tried abortion for 8 years and they have now abandoned it. I am not speaking on the merits of the Bill. I do not want to go even into the question of abortion ordinarily. Even discussions are likely to retard our movement.

**Shri Balkrishna Wamnik:** I cannot understand why the Health Minister

should oppose the introduction of this Bill. There is a convention in this House that the introduction of a Bill is not opposed.

Last time, on May 1, 1959, I tried to introduce a similar Bill. The Minister had opposed that. Then, outside the House I contacted the Minister and asked him the reasons why the move was opposed. He explained that certain provisions of the Bill were not liked by him and therefore he had to oppose it. Afterwards, I redrafted the Bill and deleted those portions which were opposed, at that time, by the hon. Minister. Then this point which has been raised now by the hon. Minister was not raised.

On the merits a lot of arguments can be advanced. If the Minister so desires the arguments can be advanced here and now. He says he does not want to argue on merits. I think there is a lot of support—I mean medical opinion—for the contention which I have made in my Bill. As there is a convention that the introduction of a Bill should not be opposed, I think it will be wise for the Minister not to oppose the introduction of this Bill. Whatever the Minister has got to say or the Government have got to say may be said after introduction at the stage of consideration. Therefore, I would request the hon. Minister not to oppose the introduction of Bill. If he insists on opposing it, I would request you, Sir, to allow me to make a statement.

**Shri Karmarkar:** With your permission, Sir, I may add....

**Mr. Chairman:** Order, order.

**Shri Karmarkar:** I would just like to add.....

**Mr. Chairman:** Order, order. When I called the hon. Member to speak I thought he would give his explanation, whatever he had to give by way of explanation. Now he requests me to give him an opportunity to offer an explanation. Under rule 72 when the introduction of a Bill is opposed,

first the hon. Member who opposes makes his statement and then the other party, the Member who moves the Bill is asked to explain. So, under Rule 72 I ask the hon. Member to explain if he wants to do so.

**Shri Balkrishna Wasnik:** Sir, the Minister of Health has said that there is a provision in this Bill to legalise abortions. I will read that portion. Clause 7 of the Bill says:

"Any person who conceives a child after seeking the advice of a competent medical officer in regard to adoption of measures pertaining to birth control, shall be allowed an abortion within eight weeks from the date of conceiving the child."

I have kept this period of 8 weeks purposely because there is medical support for it. In the March 1959 issue of the magazine called *Sexology* there appears an article under the caption 'New Sex Society'. In that article the view was expressed by several competent medical authorities as follows:-

"The divesting of the uterus of an eight-week fetus is not taking human life. This is not murder. It is good medicine."

So, if this kind of abortion is done after securing the advice of a competent medical authority it is justified.

The hon. Minister has referred to Japan. In Japan also, I think, the practice of abortion is going on in a large measure. Not only that; in U.S.A. and other countries abortions are legally performed. But they are performed to preserve the lives of mothers and in those cases the phrase used is, 'to preserve the health and life of the mother'. This is not the only point which I have raised in this Bill. There are several other things. I think the hon. Minister is aware of the fast increasing population in India. Every day 20000 births take place in

India. The hon. Prime Minister has expressed himself favourably to limit the population and in favour of family planning.

14.41 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The rural masses were not at first ready. Now, they have overcome the initial shyness at the mention of family planning and there was a realisation that it deserved their consideration. This Bill limits the size of the family to three children.

**Mr. Deputy-Speaker** Only a brief statement is required—not a detailed one.

**Shri Balkrishna Wasnik:** The President of the 35th All India Medical Conference in his speech at Cuttack on December 26, 1958—his name is Shri Karunakaran—has said that the population should be limited by limiting the number of children to two or three per family. He has also suggested that for limiting population, a population tax should be levied. He has also said that a few months before a similar suggestion was made in the Lok Sabha by the then Finance Minister, Shri T. T. Krishnamachari. I have not suggested a population tax in this Bill but only a fine of Rs. 200. The difficulties that are involved can be overcome by framing certain rules and for that several suggestions could be made. I do not want to go into details now.

**Mr. Deputy-Speaker:** What is the remedy that the hon. Member provides if another child is born and the parents have not got the money to pay the fine?

**Shri Balkrishna Wasnik:** That would be discussed at the time of consideration of the Bill. Shri R. A. Gopalaswami, who was the Registrar-General suggested in his 1951 Census Report that the maximum number of children to a couple should be three. Quite a good number of authorities have supported this Bill.

**An Hon. Member:** Has he given the number of children he has got?

**Mr. Deputy-Speaker:** All the points need not be said just now. This is not a full discussion at this moment. He can make a brief statement. He shall deal with only the very important points. We will hear the Minister then.

**Shri Balkrishna Wasnik:** He has emphasised one point which at the time of consideration could be discussed. There are other important points in this Bill and the Minister should not oppose this on account at least of those important points.

There is also a clause in the Bill which says that any person who is incurably lunatic, infirm or suffering from any contagious disease or incapable of giving birth to a healthy child shall be sterilised. Rules for the method of doing all these things could be framed.

There is a booklet published by the Government of India, entitled *Why Family Planning*. It has been stated on page 17 there that in fairness to the child every married couple must make sure before conception takes place that they have no serious disease which they may pass on to the child. Apart from the well-known venereal diseases, parents can pass on to their children some other diseases also and they have been stated in the booklet. It has been stated that the birth of children to persons who are feeble-minded, mentally abnormal or suffering from other diseases or where the father and the mother are both considered incapable of adequately providing for the education and upbringing of their children should naturally be avoided. The pamphlet says:

"As Dickenson and Gamble observe in their pamphlet: 'Human Sterilization', Just as no intelligent judge will permit the adoption of babies by the feeble-minded, so there is logic in preventing their birth to such persons."

Some other arguments are also given.

**Mr. Deputy-Speaker:** The hon. Member must conclude now.

**Shri Balkrishna Wasnik:** There is one more point also about increasing the marriage age. The hon. Minister argued only one point. If he does not like that point, it can be considered at the consideration stage. Only because of the introduction of this Bill, people in India will not think that abortions have been legalised and everybody will go on doing abortions. The Minister should not have this kind of fear in his mind. So, he should not oppose the Bill. The House should give due consideration to all these points. Then in the course of the discussion bad points will be opposed and deleted and good points will be supported and adopted. Therefore, I request the hon. Minister not to oppose the Bill at the introduction stage.

**Shri Supakar (Sambalpur):** May I put one question to the hon. Minister?

**Mr. Deputy-Speaker:** No questions at this stage. I will ask the hon. Minister to say what he has to say.

**Shri Narayanankutty Menon (Mukandapuram):** We should like to know from him....

**Mr. Deputy-Speaker:** Order, order. At this stage, what is allowed is only a brief statement by the person proposing and a brief reply.

**Shri Punnoose (Ambalapuzha):** In these things, it is not only the Mover and the Minister who are concerned; the House is also concerned.

**Shri Braj Raj Singh (Firozabad):** This is a convention that a Bill should not be opposed at the introduction stage.

**Mr. Deputy-Speaker:** If the Government feels that it ought to oppose, it has perfect liberty . . . (*Interruptions*).

**Shri Supakar:** Does the hon. Minister wish to put an abortive end to this Bill because it legalises abortion?

**Mr. Deputy-Speaker:** Was it very necessary to put this question?

**Shri Karmarkar:** Sir, as I said a little earlier I shall not be too long because at this stage any long speech on the merits of the Bill would be out of place.

**An Hon. Member:** He has already spoken.

**Shri Karmarkar:** The hon. Member has added certain points to which I should reply. Why is it that we are opposed to this Bill at this stage? There must be reasonable grounds for doing so.

**Shri Sadhan Gupta (Calcutta—East):** Sir, on a point of order. I think the Rules provide that there could be one speech by the person asking for leave and one speech in reply. There is no reply to reply.

**Mr. Deputy-Speaker:** There is a special rule that at the introduction stage of a Bill, if it is opposed, the hon. Member moving it shall make a brief explanatory statement and then the hon. Minister shall reply briefly to that. I am following that rule strictly.

**Shri Braj Raj Singh:** He had already replied.

**Shri Punnoose:** Then, you were not here.

**Mr. Deputy-Speaker:** Now that I am here, I must be recognised.

**Shri Karmarkar:** Sir, this is not the stage at which we are called upon to give detailed reasons against the Bill. We have been observing a convention not to oppose a Bill at the introductory stage. But there are two grounds on which a Bill that is put before us is to be opposed even at the introductory stage. One is obviously if the Bill goes against public morals. Another is, if it goes against public policy in the sense that it does not tend towards the fulfilment of any public policy. I am not putting this

question on the morals of it at all, if a thing is rational let it be done. What I am looking at is this. It is not as if the Bill will be passed what will be the effect. I am looking at it from the point of view of someone who has something vital to do, on behalf of the Government, with this family planning activity, about which there is absolutely no difference of opinion and which my hon. colleague wants to promote.

We wanted to go slow. The movement has succeeded because we went slow. For the first year we did not speak about sterilisation at all because we knew that if we began with sterilisation our people will look at it with a sense of alarm. Therefore, the Government of India did not permit in the first year any sterilisation. We said to the State Governments, wherever it is permitted by medical reasons go ahead with it. We have now said that wherever the couple agree and wherever medical reasons are there and it is voluntary you can go ahead, because we now know that the stage has come.

With regard to the question of abortion, both on principle as also on the grounds of public policy we are opposed to it and we have a feeling that the country is so much opposed to it. It is for family planning vitally, it is for sterilisation when grounds justify that, but at the present moment what will be said of the Bill? From tomorrow onwards what will be said in the Press and elsewhere? The raising of the age of the marriage will not be noted. Of course, the fine imposed for the additional child will be noted, but the one thing that will be before the country is that the Government of India is busy with abortions for population control. (Interruptions). If this Bill is passed it will permit them also to indulge in (Interruption).... wherever it is relevant.

**Mr. Deputy-Speaker:** Order, order. We ought to take it more seriously.

**Shri Karmarkar:** In Japan....

Mr. Deputy-Speaker: I am asking him particularly.

Shri Karmarkar: In Japan, for instance, from 1948 onwards they tried to legalise abortion. The Government themselves put up 800 clinics. What was their experience. I wish my hon. friend goes and consults any Japanese there. Now they have themselves discountenanced it and they have stopped officially supporting these abortion clinics because their experience was two-fold. One was that abortion, the permitted abortion, had a very deleterious effect upon the health of the people concerned. The other one was whereas abortions were supposed to facilitate family planning in some cases the result was just the other way, because if a lady aborted today within six months she came in again to the same clinic for abortion. Things defeated themselves. When one of our responsible officers was there recently in Japan the tragic sight he had in a hospital was of young girls who had almost gone down on account of continued abortions. When he asked a girl when she last had an abortion he was told that she had an abortion only six months back. It is a very tragic tale.

Therefore, we do not want this movement to be defeated by creating any sense of panic in the public mind unnecessarily. That is the reason why we are opposing it at this stage. If he brings up another Bill raising the age of marriage, having a provision in respect of lunatics etc., we will not oppose it and it can be introduced straightaway.

Again, in this Bill there is the clause providing for a fine of Rs. 200 if anybody gives birth to a fourth child. The hon. Member has been wise this time because he knows that he has to get it passed by this House. Until the Bill is passed anything might go scot-free. Sir, we have a small superstition on our side that on the Ganesh Chowth day we should not look at the moon, but always it does happen that we look at the moon on that day.

It is supposed to invite the penalty of somebody blaming us for having committed a theft. What does this mean? The poor people, especially, after their third child will always be in fear about the Rs. 200 fine and the result will be more and more children. It is not the fear complex, but when you are asked not to do a thing you are very much afraid and the thing is done.

My friend has been much better prepared this time than on the earlier occasion. I wish he brings up a Bill which will really promote family planning.

Shri Narayanankutty Menon: It will have no retrospective effect.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for controlling the rapidly increasing population of India and for matters incidental thereto."

The motion was negatived.

14.56½ hrs.

#### RE: INDIAN PENAL CODE (AMENDMENT) BILL

Shri D. C. Sharma (Gurdaspur): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Shri Sadhan Gupta (Calcutta—East): Sir, I rise to a point of order. This Bill seeks to amend the Indian Penal Code with a view to removing the words "transportation for life" and substituting them by the words "imprisonment for 14 years". The difficulty is, this Bill will be quite infructuous because already the Penal Code has been amended by removing the words "transportation for life" by the words "imprisonment for life". Therefore, this Bill seeks to amend something which is not there in the Indian