

**Question on Withdrawal of
Prosecution Against Dr.
Gaitonde**

[Shri Karmarkar]

(2) There is no conclusive evidence to prove that artery forceps in question is missing from the Irwin Hospital.

(3) No evidence whatever is forthcoming in the investigation as to the steps of technique that were adopted during the operation. Such information would be available only if the investigating officer is assisted by a technical officer, namely, a surgeon. This does not seem to have been done. To prove culpable negligence in a case like this, it would be necessary to prove definitely that the Surgeon did not do what he should have done or did what he should not have done, that is, ordinarily, he should have taken all precautions before closing the abdomen to see that the abdominal cavity is free, that there is no bleeding and that no foreign body like sponges and instruments have been left behind. He should also have asked the Sister-in-charge if all sponges and instruments were collected before closing the abdomen. These have not been elicited in the investigation. The statement of Dr. Gaitonde that this was done is not enough; and

(4) From the evidence, it is extremely doubtful if the prosecution is sustainable".

The above comments of the Directorate General of Health Services were forwarded to the Ministry of Home Affairs. That Ministry (Home Affairs) however, after consulting the Ministry of Law, instructed the Delhi Administration to withdraw the case from the police as it was extremely doubtful if the prosecution was sustainable. The case was accordingly withdrawn by the Delhi Administration. These are the full facts.

Shri Ranga (Tenali): Why was not all this information given to the House when the question was under discussion?

Mr. Speaker: Now it has been given. There is nothing more required to be done.

Shri Ranga: The way in which they proceeded about this is rather strange.

Mr. Speaker: In view of the statements made, there is no useful purpose served by my transferring this question to some other day for the Minister of Home Affairs to answer. The matter is now set at rest.

12.18 hrs.

PAPERS LAID ON THE TABLE

STATEMENT ON FLOOD CONTROL PROGRAMME AND FLOOD SITUATION IN THE COUNTRY

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): Before I lay the Statement, as promised by me, on the Table of the House, with your permission, I beg to make certain observations.

The magnitude of the flood damage in the country is a matter of grave concern to the Central and State Governments and the Members of the House would naturally like to be appraised of the measures undertaken so far in the sphere of flood control. On 14th August 1958, while speaking on the admissibility of an adjournment motion in the Lok Sabha regarding the flood situation in some parts of the country, I promised to lay a comprehensive statement on the Table of the House. Before doing so, I would like, with your permission, to appraise the House of the general position in a few words.

The problem of affording protection to all the areas vulnerable to floods in the country is of gigantic magnitude while our ability to implement the programme of flood control works is naturally governed by availability of resources and technical personnel

The House is aware that the provision for flood control works originally estimated at Rs. 117 crores for the Second Plan period was reduced to Rs. 60 crores in the light of the overall financial resources. As a result of a fresh appraisal of available resources made by the National Development Council which has led to the reduction in the total outlay on the Second Plan from Rs. 4,800 crores to Rs. 4,500 crores, the Plan provision for flood control has had to be reduced further to Rs. 4.9 crores.

Heavy precipitation of a local character occurs in different parts of the country in different years and, because of the unpredictability of the natural forces, unprecedented situations are created in areas which may not have been badly affected by floods in the past. Each river thus poses different problems at different times. Still we have to continue our efforts to eradicate the causes and afford relief to the extent possible.

It was for the first time in 1954-55 that Flood Control measures were planned on a scientific basis and top priority was accorded to the collection of hydrological and other essential data as well as for the formulation and execution of schemes of an emergent nature in the worst affected areas. Among the works completed in pursuance of the emergent programme I should like to make a special mention here of the flood protection works at Dibrugarh. These works have withstood the floods in the Brahmaputra very well.

Mr. Speaker: Is it a long one?

Hafez Mohammad Ibrahim: No, Sir. Only one more paragraph.

The flow through the left channel close to Dibrugarh town is reduced to almost one-third of what it was in 1954-55 and in many places where the depth previously ranged from 20 to 30 ft. it is now only 5 to 6 ft. This is very clear proof that the spurs have

been effective in diverting the river from the left channel to the central channel. The channel for storm water drainage has also functioned effectively in spite of the fact that Dibrugarh recorded unusually heavy rainfall of 7.17 inches (182.0mm) during the 24 hours ending 8 A.M. on the 13th July 1958. The Kosi embankments have stood well and afforded protection to a population of about 15 lakhs. The floods protection works so far executed in the country have given protection to over 50 lakh acres. In addition, 42 towns have been protected and 4,000 villages raised above the flood level. A good beginning has thus been made in mitigating flood damage and I can assure the House that every effort will be made to give protection to as large an area as possible.

Sir, I beg to lay the statement on the Table of the House. [Placed in Library. See No. LT-869/58.]

Shri D. C. Sharma (Gurdaspur): May I submit that the statement may be circulated to all of us?

Mr. Speaker: Yes; let the statement be circulated to all hon. Members.

NOTIFICATIONS UNDER DELHI DEVELOPMENT ACT.

The Minister of Health (Shri Karmarkar): Sir, I beg to lay on the Table, under section 58 of the Delhi Development Act, 1957, a copy of each of the following Notifications:—

- (1) G.S.R. No. 391 dated the 17th May 1958, containing in the Delhi Development Authority (Election of Representatives of Delhi Municipal Corporation) Rules, 1958. [Placed in Library. See No. LT-867/58.]
- (2) G.S.R. No. 479 dated the 14th June 1958, containing the Delhi Development Authority Rules, 1958. [Placed in Library. See No. LT-868/58.]