

[Shri D. C. Sharma]

circulation may delay the solution of the problem. It is not going to be a solution of the problem envisaged in this Bill. At the same time, it has been said—and I think the statement of the Minister on this point has been questioned—that refugee rehabilitation has not yet been completed. Most of the persons who speak on refugee rehabilitation are those who are not themselves refugees. It is good that they take up our cause. I thank them for pleading our cause.

**Mr. Deputy-Speaker:** Has he more to say?

**Shri D. C. Sharma:** A great deal to say.

**Mr. Deputy-Speaker:** He may do so on the next day.

14.31 hrs.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### FORTY-FOURTH REPORT

**Sardar A. S. Saigal (Janjgir):** I beg to move:

"That this House agrees with the Forty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th April, 1959".

**Mr. Deputy-Speaker:** The question is:

"That this House agrees with the Forty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th April, 1959".

*The motion was adopted.*

#### POPULATION CONTROL BILL

**Shri Balkrishna Wasnik (Bhandara-Reserve—Sch. Castes):** 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. Deputy-Speaker:** 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):** On behalf of Government, I oppose the introduction of this Bill.

My first objection is that *prima facie* the Bill appears to be one which would require the consent of the President for introduction. It envisages a population tax. I think the hon. Mover himself has some feeling likewise.

**Shri Balkrishna Wasnik:** There is no population tax envisaged by me.

**Shri Karmarkar:** Then the hon. Member had not been feeling that this would require the President's consent?

**Shri Balkrishna Wasnik:** No, no. There is no population tax suggested by me. I have suggested a penalty.

**Shri Karmarkar:** Penalty means another way of imposing a stricter tax.

**Shri Balkrishna Wasnik:** It is not a tax. Penalty does not mean tax.

**Shri Karmarkar:** The other point is that the Bill seeks to penalise, for instance, amongst other things, any one who has three children living.

**Mr. Deputy-Speaker:** I am just looking into it. It penalises many things.

**Shri Karmarkar:** Yes, Sir. It would disturb the peace of every household if this Bill were to be introduced. I am sure that many Members of this hon. House would also begin to feel uneasy.

**Mr. Deputy-Speaker:** Is the hon. Minister taking up the cause of others or of himself?

**Shri Karmarkar:** No, on behalf of Government. No doubt, happily or unhappily, the Minister of Health will

be one of the persons affected. But that is not the point. I may explain, in brief, the reason for this unusual course of opposing the Bill at the introduction stage. Firstly, there is this clause about people who are incurably lunatic or infirm. But that might be said to be something that might be considered. Then:

"Any person, who procreates or gives birth to an additional child....".

I suppose 'procreates' applies to the man and 'gives birth' applies to the woman—

"shall be subject to a fine which may extend to two hundred rupees for each additional child".

Again:

"Any person who marries before reaching marriageable age shall be punishable with simple imprisonment....".

It is a mercy that it is simple imprisonment—

"which may extend to one year or with fine which may extend to one thousand rupees or with both".

Therefore, one thing is certain, that the man who marries will not be able to live with his wife for at least one year! Then there is a provision about a person who performs, solemnizes the marriage and other ancillary things. Any person who may have an additional child before  $9\frac{1}{2}$  months of the coming into force of this Act shall not have the effects of the provision. That is a kindness, because you would not allow making it retrospective.

The reason why Government are seriously opposing this Bill is that instead of serving the cause of population control, this will positively defeat the very purpose of population control, because in respect of population control, it is obvious more than anything else that we are dealing with a human factor. In all such matters, as

you know, unless we have effected a social reform of such an indisputable kind or of such merit....

**Shri Goray (Poona):** Let us discuss the Bill.

**Mr. Deputy-Speaker:** Because introduction is being opposed, some explanation is required.

**Shri Karmarkar:** It has always been the policy of the country and the Government not to launch upon a measure just, if I may say so, rashly. I do not say that by refusing to agree with the hon. Mover, now, we do not want to anticipate what might happen 20 years later. But I have no doubt in my mind that this Bill, which seeks to penalise any successive birth, is not only not going to have any effect, but, on the other hand, it will give a licence to people who might say: 'All right, we pay the penalty whatever it is, or 'We are prepared to run the risk'. It is so difficult to control the human factor and the human emotions and things like that. We do not want the whole family planning programme to be brought into disrepute by adopting measures which are not practical. I am not sure whether the hon. Member favours family planning, but if he were against family planning, there could be no surer way of defeating family planning than bringing forward a Bill like this before Parliament.

This is not the first time that this has been mooted. The President of the Indian Medical Association made this observation and this proposal at the last session of the Indian Medical Association. If the reaction which his utterance had in the public press and public opinion be any guide, I think not only would the purpose not be served, but certainly it would defeat the very purpose.

In family planning, what we have tried to do—and successfully—is to take the line of least resistance, to bring conviction to people's minds. Today public opinion is against any type of regimentation whatever, even perhaps in favour of some good cause.

[Shri Karmarkar]

In fact, for the furtherance of family planning itself, it is necessary not to allow this Bill. We on the side of Government believe that if family planning has to be successful, it has to be effected by persuasion and by conviction and not by showing the big stick of the law and holding up before everybody's face: 'Look here, if you are going to have a fourth child, I send you to jail for one year, or I fine you' or things like that. That is not the way to proceed, particularly because we do not want to create an impression in the country that we want to do it by regimentation. What we do should be by persuasion. In the interest of the cause itself, Government feel compelled to oppose the Bill at this stage; otherwise, normally, as you know, in the case of any Bill, we do not oppose it at the introduction stage. There is also a provision for compulsory sterilisation and so on. I am afraid to think of the consequences of such a step. For all these reasons, Government oppose the introduction of the Bill.

**Mr. Deputy-Speaker:** How does Shri Balkrishna Wasnik enforce the provision of compulsory sterilisation?

**Shri Karmarkar:** He would get the help of people and go ahead.

**Mr. Deputy-Speaker:** He would ask you to spend something, open clinics and engage doctors who would do that. Otherwise, he will not be able to do it himself.

**Shri Karmarkar:** He won't do it himself.

**Mr. Deputy-Speaker:** Some expenditure is involved. Government is required to spend a large amount of money in opening clinics and hospitals and providing all those equipments for sterilisation at every place, because in clause 4, he says:

"Any person who has three or more living children, or who is incurably lunatic or infirm and incapable of procreating sound and healthy children, shall be sterilised".

How does he propose to do it? He does not say anything.

**Shri Balkrishna Wasnik:** Further rules can be made in this regard; and, while making rules, we can say many things. I would like to explain my Position (Interruptions).

**Mr. Deputy-Speaker:** Anyhow there is nothing that I have to do because so far as article 117(1) is concerned—where objection can be taken to the introduction of the Bill unless the President has given his consent—I do not find anything objectionable in the Bill itself. It does not attract the provisions of article 117(1). It is only on other grounds that the Health Minister is asking the House to oppose this introduction. Therefore, it is for the hon Members to decide. If the Government opposes the introduction I will have to put it to the House to decide.

**An Hon. Member:** Can it be opposed at this stage?

**Shri V. P. Nayar (Quilon):** Opposition at the stage of introduction may not be quite justifiable. Having regard to the precedents in this House also, it has not been our policy, for some time past at least, to oppose a Private Member's Bill whatever the contents be.

Secondly, the point on which the hon. Minister was putting emphasis does not relate to the issue because, later on, the hon. Member himself may make a motion for circulation. It is only the introduction stage. Only for consideration that permission is necessary. It has been held.....

**Mr. Deputy-Speaker:** When some expenditure is involved then the President's sanction becomes necessary. But Introduction of a Bill can be objected to only if the provisions of article 117(1) are attracted; that is, if the Bill falls under any of the categories mentioned in article 110 (a) to (f). Then alone can introduction be objected to. This Bill does not

fall under any of these provisions. The hon. Minister has not argued that any of these provisions are attracted by the provisions contained in the Bill.

**Shri Karmarkar:** I have left that matter to the Chair, because I am quite sure that the Chair will consider that. I consider that this is a Bill that may require the President's sanction. As you said, there will have to be compulsory sterilisation for which doctors may be required. We have not got sufficient number of trained doctors; we shall have to train them.

**Mr. Deputy-Speaker:** If the hon. Member suggests compulsory sterilisation more staff shall be necessary (Interruption).

**Shri Goray:** But, why throw it out at this stage?

**Mr. Deputy-Speaker:** That point should be considered at the consideration stage because that would involve additional expenditure. So far as introduction is concerned, I would also ask the hon. Minister to look into it. The article says:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced.....".

This is the only provision. Only under this provision can objection be taken to the introduction of the Bill.

Under 110 (1)(a), it should be the imposition, abolition, remission, alteration or regulation of any tax. There is nothing of that sort here.

Then, it should not deal with the regulation of the borrowing of money or the giving of any guarantee by the Government of India; or the custody of the Consolidated Fund or the Contingency Fund of India, or the appropriation of moneys out of the Consolidated Fund of India, etc. It should not be declaring of any expenditure to be expenditure charged

on the Consolidated Fund of India. All these are provided in clause (a) to (f) of article 110(1). But nothing of these is involved in this Bill.

**Shri Karmarkar:** Therefore, I emphasise the point of our opposition on the merits of the case.

**Mr. Deputy-Speaker:** Then, I will put it to the House.

**Shri Karmarkar:** One small matter that I want to point out is.....

**Shri V. P. Nayar:** Can all these be raised at present? Later on the hon. Minister will get an opportunity. It may be a controversial Bill; but, nevertheless, it is very interesting. I would appeal to the hon. Minister not to press his objection.

**Mr. Deputy-Speaker:** He can only make an appeal to the hon. Minister that he should not oppose the introduction. But, so far as the Chair is concerned, I have to put it to the House when the opposition is there.

**Shri Karmarkar:** May I be permitted to say one word more in addition to what I have said. That is not a point which I wanted to emphasise so much because it is obvious. The House may be interested to learn that we are making progress in the matter of sterilisation—in persuading the people in respect of sterilisation. It may be interesting to the House to know that there have been many queries from people interested in the sense that they would like to sterilise themselves. For instance, people are in doubts as to what sterilisation means. We have been explaining to them what sterilisation means.....

**Mr. Deputy-Speaker:** But the hon. Minister must address his appeal to the Mover of the Bill that he might withdraw it.

**Shri Karmarkar:** That is what I am trying to do. So, I am addressing my appeal to him.

**Mr. Deputy-Speaker:** I will ask Shri Wasnik whether I should put it to the House.

**Shri Balkrishna Wasnik:** I would like to explain the position.

**Mr. Deputy-Speaker:** No explanation is required. I only want to know whether he wants it to be put to the House (*Interruption*). There is nothing more that I need do.

**Shri Balkrishna Wasnik:** I would like to introduce this Bill because there are several other factors in this Bill. The hon. Minister has emphasised only one or two things but I have given so many things. (*Interruptions*).

**Mr. Deputy-Speaker:** All right; I will then put the question.

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."

Those in favour will please say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Deputy-Speaker:** Those against will please say 'No'.

**Some Hon. Members:** 'No'.

**Mr. Deputy-Speaker:** I think the Ayes have it; the Ayes have it.

**Shri Karmarkar:** The 'Noes' have it, Sir.

**Mr. Deputy-Speaker:** It has been challenged. So, I will ask the lobbies to be cleared. Let the lobbies be cleared.

**Shri Vajpayee (Balrampur):** Is there any whip for the Congress Members?

*Division No. 12]*

Assar, Shri  
Awasthi, Shri Jagadish  
Banerjee, Shri Pramathanath  
Bhakt Darshan, Shri  
Bharucha, Shri Naushir  
Chakravarty, Shrimati Renu  
Chandramani Kalo, Shri  
Dige, Shri  
Gandhi, Shri Feroz  
Ghosal, Shri

Goray, Shri  
Hynniewta, Shri  
Imam, Shri Mohamed  
Jadhav, Shri  
Kar, Shri Prabhat  
Kodiyani, Shri  
Kumbhar, Shri  
Mahendra Pratap, Raja  
Nayar, Shri V. P.  
Panigrahi, Shri

Parmar, Shri K. U.  
Patil, Shri U. L.  
Prodhan, Shri B. C.  
Rai, Shri Khushwaqt  
Reddy, Shri Nagi  
Reddy, Shri Viswanatha  
Singh, Shri L. Achaw  
Vajpayee, Shri  
Valvi, Shri  
Wasnik Shri Balkrishna

## AYES

[14.50 hrs.]

**Mr. Deputy-Speaker:** That is not for me to say.

I am now putting Shri Wasnik's motion to the vote of the House—introduction stage....(*Interruptions*).

**Shri V. P. Nayar:** We should not create a bad precedent.

**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."

Those in favour will say 'Aye'.

**Some hon. Members:** 'Aye'.

**Mr. Deputy-Speaker:** Those against will say 'No'.

**Some Hon. Members:** 'No'.

**Mr. Deputy-Speaker:** The Noes have it; the Noes have it.

**Some Hon. Members:** The Ayes have it.

**Mr. Deputy-Speaker:** It has not been challenged.

**Some Hon. Members:** It is being challenged.

**Mr. Deputy-Speaker:** All right. If it is really to be challenged, I have no objection and I shall put it again. 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 Lok Sabha divided:** Ayes 30; Noes 89.

1953 Indian Penal Code VASAKHA 11, 1951 (SAKA) Foreign Exchange Regulation (Amendment) Bill

NOES

Achar, Shri	Jyotishi, Pandit J. P.	Raghunath Singh, Shri
Anjanappa, Shri	Kesika Singh, Shri	Ram Krishna, Shri
Arumugham, Shri R. S.	Kermacher, Shri	Ramanand Shastri, Swami
Ayyakuturu, Shri	Kotoki, Shri Llashedher	Ramanand Tirath, Swami
Bada Singh, Ch.	Krishna, Shri M. R.	Ramki Singh, Ch.
Bapuji, Shri P. L.	Kurel, Shri B. N.	Rama, Shri
Bapse, Shri	Lachman Singh, Shri	Roy, Shri Bishwanath
Basumatari, Shri	Laskar, Shri N. C.	Rengangsu Suwa, Shri
Bhargava, Pandit Thakur Das	Laxmi Bai, Shrimati	Sahu, Shri Rameshwar
Bhatkar, Shri	Madhusudan Rao, Shri	Singal, Sardar A. S.
Birbal Singh, Shri	Mafida Ahmed, Shrimati	Samsa, Shri S. C.
Bist, Shri J. B. S.	Maniyaganan, Shri	Sardhi, Shri Ajit Singh
Biswas, Shri Bhola Nath	Massiya Din, Shri	Satyabhama Devi, Shrimati
Bose, Shri	Mather, Shri Harish Chandra	Selku, Shri
Brejabwala Prasad, Shri	Mehta, Shri J. R.	Sen, Shri P.G.
Chandak, Shri	Mehta, Shrimati Krishna	Shah, Shrimati Jayaben
Cettina, Shri R. Ramasethan	Minimata, Shrimati	Sharma, Shri D. C.
Das, Shri M. M.	Mishra, Shri Bibhuti	Sharma, Shri R. C.
Das, Shri N. T.	Mishra, Shri B. D.	Singh, Shri K. N.
Das, Shri Shree Narayan	Misra, Shri R. D.	Sinha, Shri Gayendra Prasad
Desappa, Shri	Misra, Shri R. R.	Sinha, Shri Satya Narayan
Desai, Shri Morarji	Mohammed Akber, Sheikh	Sobbaroyen, Dr. P.
Dube, Shri Mulchand	Morarka, Shri	Sugandhu, Shri
Ganga Devi, Shrimati	Munisamy, Shri N. R.	Sunder Lal, Shri
Ghosh, Shri D. R.	Uathwani, Shri	Swarni Singh, Sardar
Hervani, Shri Anuar	Nehru, Shrimati Uma	Tareq, Shri A. Ma
Hasarika, Shri J. N.	Pandey, Shri K. N.	Verma, Shri M. I.
Heds, Shri	Panna Lal, Shri	Wadiwa, Shri
Hem Raj, Shri	Prabhakar Shri Newal	
Jain, Shri M. C.	Prag Lal, Ch.	
Jena, Shri K. C.		

The Motion was Negatived

INDIAN PENAL CODE (AMENDMENT) BILL\*

Shri Ram Krishna Gupta (Mahendergarh): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code."

The motion was adopted.

Shri Ram Krishna Gupta: Sir, I introduce the Bill.

FOREIGN EXCHANGE REGULATION (AMENDMENT) BILL\*

Shri Ram Krishna Gupta (Mahendergarh): Sir, I beg to move for leave to introduce a Bill further to amend the Foreign Exchange Regulation Act, 1947.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Foreign Exchange Regulation Act, 1947."

The motion was adopted.

Shri Ram Krishna Gupta: Sir, I introduce the Bill.