

करने वाले मजदूरों की अपेक्षा काफी कम है। बावजूद इस के कपड़ा मिलों की स्थिति ठीक नहीं है। इन्दौर और उज्जैन की कपड़ा मिलों की प्रायः घाटे की स्थिति चिन्ताजनक है। पिछले नौ महीनों से अधिक समय से बन्द उज्जैन की विनोद और विमल मिल को पूरी तौर पर नहीं चलाया जा सका है और इसके कारण हजारों मजदूर बेकार और बेरोजगार हैं। इन मिलों के नहीं चलने के कारण इन पर आश्रित परिवार तबाही के कगार पर हैं। इन मिलों को चलाने के लिए मध्य प्रदेश सरकार की ओर से अनेक बार घोषणाएं की गईं किन्तु अब तक इन्हें सुचारु रूप से नहीं चलाया गया है।

मेरी केन्द्र सरकार से मांग है कि उज्जैन की विनोद और विमल मिलों का प्रबन्ध केन्द्र सरकार अपने अधीन लेकर इन्हें पूरी तौर पर चलाए जिस से उत्पादन वर्ष में उत्पादन भी बढ़े और मजदूरों को बेकारी, बेरोजगारी और वैयस जिन्दगी से बचाया जा सके।

15.19 hrs.

EAR DRUMS AND EAR BONES (AUTHORITY FOR USE FOR THERAPEUTIC PURPOSES) BILL—Contd.

MR. CHAIRMAN : Now, the House will take up further consideration of the Ear Drums and Ear Bones (Authority or use for Therapeutic Purposes) Bill.

Shri Ram Singh Yadav was on his legs. He is absent. Shri Chaturbhuj—absent. Dr. Vasant Kumar Pandit—absent.

Shri K.M. Madhukar.

श्री कमल मिश्र मधुकर (मोतीहारी): सभापति महोदय, इस बिल का समर्थन करने से पहले मैं देश के डाक्टरों, सर्जनों और वैज्ञानिकों को धन्यवाद देना चाहता हूं, जिनकी उपलब्धियों के कारण मानव अंगों के प्रत्यारोपण के सफल प्रयोग हुए हैं। उनकी उपलब्धियों के वगैर शायद मंत्री महोदय इस बिल को लाने में सक्षम न होते।

यह बिल मानवीय मूल्यों पर आधारित है, क्योंकि यह कर्ण पट्ट और कर्ण अस्थि के प्रत्यारोपण का उपबन्ध करने के लिए लाया गया है। इस लिए यह बिल किसी विवाद का विषय नहीं है। मैं मंत्री महोदय को धन्यवाद दूंगा कि देर आयद दुरुस्त आयद, वह इस बिल को लाए हैं।

आज हमारे देश में आंख और कान के दान का जो बात की जा रही है, वह वैज्ञानिक आधार पर है। लेकिन हमारे देश में दान की परम्परा बहुत पुरानी है। हमारे यहां दधीचि जैसे राजा हुए हैं, जिन्होंने अपनी हड्डियों को भी दान कर दिया था। ययाति के पुत्रों ने अपने पिता के लिए अपनी जवानी का दान कर दिया था। राजा हर्ष कुंभ के मेले के समय अपनी सारी सम्पत्ति दान कर देते थे। उस दान के पीछे उस युग की परिस्थितियां थीं, जब कि आज दान की बात वैज्ञानिक आधार पर की जा रही है। यह बहुत उत्साहजनक बात है।

मैं इस बिल का तहे-दिल से समर्थन करता हूं लेकिन कुछ शंकाओं को मंत्री महोदय के सामने रखना चाहता हूं, जो आंखों सम्बन्धी बिल के बारे में भी जाहिर की गई थीं और प्रो० अजित कुमार मेहता ने इस बिल के बारे में भी उठाई हैं। मृत्यु की परिभाषा और स्पष्ट होनी चाहिए। मंत्री महोदय जानते हैं कि योग की ऐसी क्रियाएं हैं, जिन के

[श्री कमला मिश्र मधुकर]

द्वारा कई मिनटों तक हाट-बीट बन्द किया जा सकता है। मृत्यु की वर्तमान परिभाषा के अनुसार ऐसा करने पर कोई व्यक्ति मरा हुआ माना जाएगा : किन्तु क्या वह मरा हुआ माना जाना चाहिए ? कदापि नहीं। इस लिए मृत्यु की परिभाषा में जो त्रुटियाँ रह गई हैं, उन्हें दूर करना चाहिए, ताकि कई प्रकार की खींच-तान और विवादों से बचा जा सके।

माननीय सदस्य श्री मूलचन्द डागा, ने जो शंका व्यक्त की है ; लगता है कि वह गलत नहीं है। सरकार ने जो बहुत से कानून बनाए हैं उनके पीछे उसकी मंशा कुछ भी रही हो, मगर उसके अनुसार काम नहीं हुआ है। लोक सभा का सदस्य होने के नाते मैंने जनता के जीवन में यही बात देखी है। जेल और अस्पताल में छोटे अधिकारियों को शव के बारे में जो अधिकार दिया गया है वह ठीक नहीं है, क्योंकि इस से कई तरह के गलत काम और कदाचार हो सकते हैं। मंत्री महोदय को अपने उत्तर में इस शंका का निराकरण करना चाहिए।

महत्वपूर्ण बात यह है कि इस बिल के कानून बन जाने के बाद गरीब जनता को इससे कितना लाभ होगा। धनी और पूँजीपति लोग तो अमरीका और इंग्लैंड जा कर आंखों या कर्ण पटह का प्रत्यारोपण करवा लेते हैं, लेकिन गरीब और मजदूर वर्ग के लिए यह संभव नहीं है। उनके सम्बन्ध में इस कानून के अधीन बनाये जाने वाले नियमों में क्या व्यवस्था की जा रही है ?

पिछले बिल के सम्बन्ध में बोलते हुए मंत्री महोदय ने बताया था कि इतनी आंखों का प्रत्यारोपण हुआ।

लेकिन इस में कितनी सफलता मिली, और वैज्ञानिक टेकनिकल तथा अन्य प्रकार की क्या कठिनाइयाँ पैदा हुईं, इस बारे में मंत्री महोदय ने कुछ नहीं कहा। मैं चाहूँगा कि इस बिल के पास होने के बाद सरकार एक कमेटी बनाए, जो समय-समय पर आंखों और कानों के प्रत्यारोपण की प्रगति की समीक्षा करे और रास्ते में आने वाले व्यवधानों को दूर करने की दिशा में कदम उठाए।

इसके अलावा मैं यह कहना चाहता हूँ कि जिस किसी भी व्यक्ति के कर्ण लिए जायेंगे, उसको कितने वर्ष तक रख पायेंगे और इसकी क्या व्यवस्था करने जा रहे हैं इस बात पर भी सरकार को ध्यान देना चाहिए। छठी बात, जैसा कि शास्त्री जी ने भी कहा था कि मरने के बाद आप आंख निकाल लीजिए या कान निकाल लीजिए, लेकिन उसको आप इनसैटिव दीजिए। अभी अपने देश में अन्ध विश्वास है और बहुत सी पुरानी परम्पराएं हैं और उन परम्पराओं से जो समाज में एक दृढता है, उस दृढता के चलते अच्छे-अच्छे काम नहीं हो पाते हैं। किसी भी अच्छे काम को करने में सरकार असफल हो जाती है, यदि ऐसी स्थिति में इनसैटिव दिया जाए और लोगों को प्रोत्साहित किया तो काम अच्छे तरीकों से हो सकते हैं।

अंतिम बात, मैं यह कहना चाहता हूँ कि देश में एक ऐसा वातावरण पैदा किया जाए, प्रचार के विभिन्न साधनों के जरिए से, जैसे कि फैमिली प्लानिंग के प्रचार के लिए सड़कों पर त्रिकोण का निशान जगह-जगह प्रचारित किया गया है, उसी तरह के आंख के विषय में और कान के विषय में तथा विज्ञान जो प्रगति कर रहा है, उसके विषय में भी प्रचार किया जाए। इससे

लोगों के अन्दर चेतना पैदा होगी और सरकार द्वारा किए गए अच्छे कामों को सफलता मिलेगी।

इस बिल का मैं पूर्ण रूप से समर्थन करता हूं और जो शंकायें आपके समक्ष प्रस्तुत की गई हैं, उनको दूर किया जाना चाहिए, चाहे इसके लिए आपको कानून में संशोधन क्यों न करना पड़े। मंत्री जी आप शंकरानन्द हैं, तो शंकरानन्द के रूप में काम में आइये।

श्री चतुर्भुज (झालावाड़) : सभापति महोदय, मंत्री महोदय द्वारा जो बिल सदन में प्रस्तुत किया गया है, वह सामाजिक लाभ के लिए लाया गया है। इस देश के अन्दर हार्ट का आपरेशन होता है, उस में कई वाल्वज खराब हो जाते हैं और मैं तो यह कहूंगा कि इसके अन्दर दशमलव एक प्रतिशत भी व्यक्ति गरीब नहीं है, इस में केवल बड़े लोग ही लाभ उठाते हैं। यह कानून जो लाया जा रहा है, वह सामाजिक रूप में लाया जा रहा है, ऐसा नहीं है कि किसी खास व्यक्ति के हितों के लिए है। आप देखिए, इस देश के अन्दर जितने भी अन्धे, लंगड़े और लूले व्यक्ति हैं वे सब छोटे व्यक्ति मिलेंगे, इस देश के गरीब व्यक्ति मिलेंगे, बड़ा व्यक्ति कोई नहीं मिलेगा। यह कानून वास्तव में गरीबों के लिए आना चाहिए था। (व्यवधान)... मैं तो डागा साहब से कहूंगा कि वे अभी से अपना रजिस्ट्रेशन करा लें ताकि कम से कम यह तो हो कि लोक सभा के एक सदस्य ने अपना कान दे दिया है।

मेरा निवेदन है कि आप जो भी कदम उठा रहे हैं, स्वास्थ्य के बारे में, और केवल एक दिल्ली राज्य के लिए, लेकिन आपको इसको व्यापक बनाना

चाहिए। जो केन्द्र प्रशासित प्रदेश हैं, उन क्षेत्रों में भी इसको व्यापक रूप से लेना चाहिए। यह तो आप के हाथ की बात थी और साथ ही साथ आप को स्टेट्स को भी परामर्श देना चाहिए था कि आज दुनिया में विज्ञान बहुत बढ़ चुका है, इस लिए यदि किसी मृत व्यक्ति का कोई अंग काम आ सकता है तो यह सब से बड़ी देन है। मेरे पूर्व वक्ता बतला रहे थे कि ऋषि-मुनियों के समय से यह परम्परा चली आ रही है, परन्तु बीच में कुछ रुढ़वाद आ गया, जिस में यह कहा जाने लगा कि यदि किसी मृत व्यक्ति का कोई अंग भंग किया जाता है तो उसे स्वर्ग नहीं मिलेगा। वास्तव में इसका स्वर्ग या नर्क से कोई सम्बन्ध नहीं है, केवल अन्ध-विश्वास की बात है।

मैं इस बिल का पूर्ण समर्थन करता हूं, लेकिन मैं चाहता हूं कि आप इस में दो-तीन आवश्यक संशोधन अवश्य कर लें। पहला तो यही कि इस बिल के अनुसार इस का उपयोग दिल्ली क्षेत्र ही होगा, मैं चाहता हूं कि सभी संघीय राज्यों में इसका उपयोग किया जाय। दूसरे आप अन्य राज्यों को भी इस तरह का कानून बनाने का परामर्श दीजिए। तीसरे ऐसे गरीब व्यक्ति जो टैक्नीकल-हेण्ड हैं लेकिन कान के रोग से पीड़ित हैं या उन को ऐसे कान की जरूरत है, परन्तु धन के अभाव में कान उनको नहीं मिल सकता है, ऐसे व्यक्तियों की सहायता की जानी चाहिए। जिस विभाग में वह व्यक्ति काम करता है उस विभाग की ओर से इस प्रकार की रिकमैण्डेशन की जानी चाहिए कि उस व्यक्ति को इस प्रकार सुविधा देना राष्ट्र के हित में है तथा ऐसे व्यक्ति के लिए कान का उपयोग किया जाय। इस तरह का संशोधन आप इस में अवश्य कीजिए।

[श्री चर्तुभुज]

आप जो विधेयक लाये हैं— वह बहुत अच्छी शुरुआत है। सभी जगहों के लिए इसका क्षेत्र बढ़ाया जाय, गरीब लोगों के लिए इस कानून में व्यवस्था होनी चाहिए। ऐसा न हो कि जो लोग अपने कान के आपरेशन के लिए अमरीका जाते हैं, पैसे वाले लोग हैं, वे इसका लाभ उठा लें और गरीब इसका लाभ न उठा सके।

श्री हरीश कुमार गंगवार (पीलीभीत): सभापति महोदय, बड़ी प्रसन्नता की बात है कि माननीय स्वास्थ्य मंत्री जी का ध्यान हमारी आंख और कान की ओर गया है। चाहे बाद इन का प्लान्टेशन हो सके या न हो सके, लेकिन इस समय यदि इन दोनों बिलों को पढ़ें तो आप ने आंख की जगह कान का खूब प्लान्टेशन किया है। दोनों की भाषा में कोई अन्तर नहीं है, केवल आंख की जगह कान रख दिया है, एक धारा इस में जरूर कम हो गई है जो बम्बई के क्षेत्राधिकार से सम्बन्धित है अन्यथा उस में 11 धारायें थी और इस में 10 धारायें हैं। एक-एक शब्द वही है, केवल आंख की जगह कान रख देने के अलावा इस में कोई अन्तर नहीं है...

सभापति महोदय: आंख की जगह और क्या रखेंगे?

श्री हरीश कुमार गंगवार: मेरा तात्पर्य यह है कि जो उत्तर माननीय मंत्री जी ने आंख के बिल की बहस पर दिया था, वही उत्तर कान के बिल की बहस का देंगे। इस लिए मैं उन बातों को नहीं कहना चाहता क्योंकि ये एक ऐसे मंत्री हैं, भगवान इनका स्वास्थ्य अच्छा रखे, ये कभी किसी बात को मान कर नहीं देते हैं चाहे कोई कितनी ही अच्छी बात कहे, चाहे वह आल इण्डिया मैडिकल इंस्टीट्यूट के संबंध में हो या कोई अन्य मामला हो।

अब सब से पहली बात मैं यह कहना चाहता हूं—पहले आप जो बिल लाये थे उस में नियमों के बनाने का कोई प्रावधान नहीं था, लेकिन अब आप ने आंख वाले बिल में भी प्रावधान कर दिया है और इस कान वाले बिल में भी नियम बनाने वाले प्रावधान कर दिया है। इस सम्बन्ध में मैं विशेष रूप से कहना चाहता हूं कि जब मैं अधिनस्थ विधान समिति का सदस्य था और डागा जी उस के चेयरमैन थे, तो हमारे सामने कई ऐसे विधेयक आए कि जो सन् 1948 में पास हो चुके थे लेकिन आज तक उन के नियम नहीं बने। मेरे कहने का तात्पर्य यह है कि इन नियमों को जल्द से जल्द बनाने के लिए कोई टाइम लिमिट होनी चाहिए। आप यह रख दें कि 6 महीने के अन्दर ये नियम बना लिए जाने चाहिए। नहीं तो होता क्या है कि हमारे सैक्रेटरी, हमारी व्योरोक्रेसी, हमारे डाइरेक्टर लोग, जिन के ऊपर इन नियमों को बनाने की जिम्मेदारी होती है, वे कई कई साल तक, दो-दो साल तक इन को नहीं बनाते हैं और वे फायदा उठाते हैं ऐसे प्रोविजन का, जो आप ने अन्तिम धारा 10 में किया है कि जो कोई भी कार्य इस बीच में किया जाएगा इस एक्ट के मुताबिक, वह वैलिड माना जाएगा चाहे रूल्स बाद में बने हों। एक तो मैं इस ओर आपका ध्यान दिलाना चाहता हूं।

दूसरा मैं एक सुझाव यह देना चाहता हूं और यह आप के लिए ही नहीं है बल्कि सारी सरकार के लिए है कि जितने भी बिल यहां पर लाए जाएं, उन को जब आप लाएं, तो उनके साथ नियमों को भी यहां लाएं, तो अच्छा होगा। इस से सदन सारे मामले पर बहस कर सकेगा। उसका कार्यान्वयन आप कैसे करेंगे, उस की सारी शकल सदन के

सामने आ जाएगी । 10 धाराएं आप ने इस में दी हैं और उन को इम्प्लीमेंट करने के लिए कम से कम 101 रूल्स की किताब बनेगी । इतने सारे रूल्स क्या एडमिनिस्ट्रेटर बना सकेगा सही तरीके से और क्या हाऊस के सामने चीजें जल्दी से रखी जा सकेंगी । बाद में जब हाऊस के सामने वे रखी जाती हैं, तो कौन उन को पढ़ेगा । इसलिए मेरा यह सुझाव है और यह आप के लिए ही नहीं है बल्कि सब कानूनों के लिए है कि जब भी कोई बिल लाया जाए, तो उस के साथ उसके रूल्स भी लाए जाएं और दोनों पर एक साथ विचार हो जाए ।

दूसरी बात यह है कि आप जानते हैं कि मनुष्य एक सामाजिक प्राणी है और ऐसा रोज हम किताबों में पढ़ते हैं । तो हमारे शरीर के जितने भी अंग हैं उन सब पर समाज का अधिकार है । बिना समाज के हम पैदा नहीं हो सकते और समाज के बिना हम पढ़ नहीं सकते और समाज के बिना हम उन्नति नहीं कर सकते । ऐसी स्थिति में हमारा यह शरीर जो है वह इस समाज का है एक अंग इस समाज का है । इसलिए इस बात का प्रचार भी उसी प्रकार से होना चाहिए जैसे कि हम परिवार नियोजन के लिए करते हैं । परिवार नियोजन के लिए हम इसेंटिव देने के लिए लोगों में काफी प्रचार करते हैं । इसलिए जैसे आप आंखों के लिए और कानों के सम्बन्ध में यह बिल लाए हैं, और अंगों के लिए भी हम उन को दान देने का प्रचार करें । किडनीज की जरूरत लोगों को होती है और शरीर के सब अंगों की जरूरत होती है । एक सामाजिक रूप से इस का अगर हम प्रचार करें और लोगों के मन में यह बैठाए कि इन को देना हमारा धर्म है,

अखबारों में प्रचार करें, न्यूजरी में निकलवायें और दूसरे जो प्रचार के साधन हैं जैसे टी० वी० और रेडियो हैं, उनके जरिए से प्रचार कराएं, तो मैं समझता हूं कि ये चीजें अधिक मात्रा में उपलब्ध हो सकेंगी ।

तीसरी बात मैं यह कहना चाहता हूं कि इस में वसीयत करने का कोई अधिकार नहीं है । इस बिल के संबंध में बहुत से माननीय सदस्यों ने बहुत सी चीजों पर प्रकाश डाला है और मैं उनको दोहराना नहीं चाहता लेकिन मैं सिर्फ यह कहना चाहता हूं कि आप अखबार में निकलवायें, समाचारपत्रों में निकलवाएं और दूसरे साधनों से इस का प्रचार करें कि जो लोग अपने अंग देना चाहते हैं चाहे वह आंख हो या कान हो या कोई और अंग हो, वह अपना नाम रजिस्टर करवाएं । हर डिस्ट्रिक्ट होस्पिटल में या लोकल होस्पिटल में रजिस्ट्री हो जाने के बाद समाचार-पत्रों में इसको निकलवा दें और अंग देने वाले के यहां एक चिट्ठी जारी करा दें या सर्टिफिकेट जारी कर दें । उसके घर वाले जिन के नाम मरने वाले ने वसीयत की है, जिस से कि वे अंग लेने के समय कोई झगड़ा पैदा नहीं कर सकें । मैं इस बात को सिर्फ इसलिए कहना चाहता हूं कि आप ने इस में लिखा है कि दो गवाहों के सामने वह कह देगा, इस से काम चल जाएगा, इस व्यवस्था से काम चलने वाला नहीं है । बेहतर होगा कि प्रचार कर के एक लिस्ट तैयार हो, पूरे डिस्ट्रिक्ट लेबल पर उसको बनवा लिया जाए । जैसे ही किसी की मृत्यु की सूचना मिले तो तुरन्त उस पर कार्यवाही हो जाए ।

एक बहुत छोटी सी बात यह है कि हमारे बहुत से बच्चे आंख और कान

[श्री हरीग कुमार गगवार]

से महरूम होते हैं। उनके लिए भी इस में कोई व्यवस्था होनी चाहिए। अभी उनके बारे में मुझे कोई व्यवस्था नहीं दिखाई दे रही है। बहुत से हमारे बच्चे जन्म से ही अंधे और बहरे होते हैं। इसलिए, उनके बारे में भी इस बिल में कोई व्यवस्था होनी चाहिए।

श्रीमन, मैं इस बात से सहमत हूँ कि हमारे शरीर के अंगों का उपयोग समाज के लिए होना चाहिए। इस बात को व्यापक बनाने के लिए, इसके बारे में प्रेरणा देने, उत्तेजना देने के लिए कुछ-न-कुछ धन की व्यवस्था होनी चाहिए। जैसा कि श्री रामावतार शास्त्री जी ने भी कल कहा था, मैं भी चाहता हूँ कि लोगों को इसके लिए इन्सेन्टिव देना बहुत अच्छी बात होगी। जिन गरीब लोगों के अंग लिए जायेंगे, उनके पोषण की भी इससे व्यवस्था हो सकेगी।

आखिरी बात मैं यह कहना चाहता हूँ कि आपने बहुत ही स्लीपिंग वे में दंड की व्यवस्था की बात कह दी है। आपने धारा 8ए(2) में कहा है—

“भारतीय दंड संहिता की धारा 297 के अधीन दंडनीय अपराध नहीं समझे जाएंगे।”

जो भी कर्मचारी गुड फेथ में काम करते हैं, वे दंड के भागी नहीं होते हैं। हमारे यहां तो दूसरा हिसाब है। भागलपुर में 50 से ऊपर कैदियों की जेल में आंखें निकाल ली गयीं और आपने फिर जेल वालों को यह अधिकार दे दिया है। छोटा सा अफसर कह देगा किसी की भी आंख निकाल ली जाएंगी। अगर इसके उल्टे हो गया तथा किसी को मार दिया गया और उसकी आंख

निकाल ली गयी तो उसके विरुद्ध इस में दंड की व्यवस्था होनी चाहिए। आई. पी. सी. की धारा 307 के अधीन इस में कम से कम दस साल का दंड देने की व्यवस्था होनी चाहिए। जब तक आप इसका प्रोविजन नहीं करेंगे तब तक मुझे डर है कि इसका दुरुपयोग न होने लगे।

इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

DR. VASANT KUMAR PANDIT (Rajgarh): Mr. Chairman, Sir, I congratulate the hon. Minister for having brought this useful and necessary Bill, although it is rather too late because many other developing countries also have already similar type of legislation. Sir, I also reiterate the point made by many of my hon. friends that this should be made applicable to whole of India. I am not going into the question of Concurrent List and State List, but it is my experience that it is left to the States if then several type of Acts with different conditions and terminology will come up resulting in confusion. I, therefore, request the hon. Minister to take cognizance of the views expressed by so many hon. Members on this point.

In Clause 2, sub-section (e), ‘registered Medical Practitioner’ has been defined as one possessing any recognised medical qualification as defined in the Indian Medical Council Act and who is enrolled on a State Medical Register. There has been a demand in almost all the States to have more types of doctors on the rolls of the State Medical Registry such as Ayurvedic, Integrated Course, etc. They will also become Registered Medical Practitioners. Now, removal of Eye and Ear is the work of a technologist, that is, of a surgeon. You should specify this category. Otherwise many of the side effects and bad

effects will be there. He should be a person who should have sufficient surgical knowledge in Ophthalmology, ENT, Dermatology etc. A physicist or any other medical practitioner will not be able to do this operation because this is a technical operation. If a bone or drum or retina is damaged while it is being removed, what will happen? It will become just useless for transplant.

The third thing which I wish to bring to the notice of the hon. Minister is this. He should take cognisance of the duty of preservation of limbs. Section 7 says that 'after the removal of the ears from the body of the deceased person the registered medical practitioner shall take such steps for the reservation of the ears so removed as may be prescribed.' Now, you have not specified what these steps should be. I may donate my Ear or Eye and I may say in my donation statement that my limb has to be removed by my family doctor. Now many complications would arise. Further, who is going to take care of the part after it has been removed? In all the advanced countries of the world there is what is called, an Eye-Bank, Skin-bank, Ear-Drum Bank and so on. I do feel that there should be some provision like this in our own rules also.

Now, I would draw your attention to several cases like these, happening in Bombay. In JJ Hospital, a surgeon removed the eye-balls retina etc. from the dead bodies and took them to his own private nursing home where he was treating private patients. I do feel that this lacuna should be removed; such Registered Medical practitioners attached to all the Government hospitals and district hospitals alone should remove the dead man's limb. Clause 7 of the Bill is not specific about where the ear and other parts will be taken. Where can it be preserved? There is no

provision in regard to that. This lacuna also should be taken care of. This is my respectful submission.

And last but not the least, I wish to say this: I would like that the Government should bring in a comprehensive legislation using the word 'human limb' to cover all organs of the human body instead of bringing in so many Bills part by part at different intervals for different limbs. Nowadays it is possible to transplant kidneys. Even heart valves are being transplanted. Tissue culture has developed very much. Various parts of the human body can be used. There is a very persistent demand in Bombay for donation of skins for grafting. Skin can be preserved for purposes of graft and transplantation. This can be preserved for many years. Many people, particularly girls, get into large number of fire accidents and skin grafting can be made use of in their cases. You have such increasing number of fire accidents nowadays and you can have such transplantation of the skins. Even a prisoner can give his skin and get remission from his sentence. There is need to make provision to cover donations of skin. Government should apply its mind to bring in a comprehensive Bill to cover all parts of the human body instead of bringing in a piecemeal Bill at every time.

I wish to draw the hon. Minister's attention to another point. There are dead bodies in the morgue. Who is going to operate on them and remove the limbs? Whether it is a prison or a hospital of a Government institution, the operation has to be conducted by a Government doctor, that is, an expert surgeon attached to a Government hospital.

This has not been mentioned anywhere in the Bill that the Medical Practitioner should be a practising Doctor, expert surgeon in the science of E.N.T. attached to Government

[Dr. Vasant Kumar Pandit]

not any private hospital. This intention of the Government to given this power to all Medical Practitioners or to all doctors will lead to a scramble for the dead man's limb. There are certain specific provisions which are required to prevent such incidents. I would earnestly request the hon. Minister to apply his mind again and remove all these lacunae in the Bill. I really welcome this Bill. It is already too late and it should have been brought forward earlier.

SHRI G. M. BANATWALLA (Ponnani): Mr. Chairman, Sir, the Bill is based on noble sentiments to ensure sufficiency in the availability of ears to persons who need them. The Bill therefore provides for donations of ears by people for the purpose of transplantation. There is also a provision to authorise the person who is lawfully in Charge of the dead body, to authorise him to allow the ears to be removed for transplantation. There are also welcome safeguards in this matter that these parts of the body can not be removed unless the deceased had objection, had expressed objection to the removal of his ears, during his life-time or unless the near-relatives have objection whatsoever to it. So far so good. But, then, there are certain provisions in the Bill where these safeguards do not exist. I will specifically draw your attention to clause 6 of the Bill where it is stated—

“6. Where the death of a person is caused by accident or any other unnatural cause and his dead body has been sent for post mortem examination.....”

Then the only safeguard that is provided is that if the deceased had in his life-time stated objection to the removal of his ears and unless such objection has been taken the person who has lawfully the dead body, can authorise the removal of the ears.

Now, Mr. Chairman, Sir, you know that there are hardly any people who, during their life-time, may express objections or no objections with respect to various limbs of their body after death.

It is not in accordance with the reality of the situation to that the person would have left such objections behind. Moreover, it may not be so easy to know if the objections are there and in those cases where post-mortem is to be performed, then there is no mention whatsoever of an objection that could be taken by a near-relative. No right has been given. The near-relative need not be consulted and, the competent authority, I believe, is the person who is lawfully in charge of the dead body at the time of the post-mortem. He can himself order that the ears can be removed in spite of the objections that may be recorded before him. I must express my strong protest against this particular provision. There is a discrimination also made between the person who is dying a natural death and the person dying an unnatural death. What is the need for such a discrimination? Even in death the Government has come forward to discriminate one person from another.

I emphatically urge upon the Government that even in these cases there must be a provision authorising the relatives to take objection and those objections should stand.

Further, clause 5 speaks of unclaimed bodies. Here, the question of near relatives may not arise, because the body is unclaimed by any near-relative. The only safeguard is of the deceased person having objected to

the removal of those parts of his body during his life time. In the case of unclaimed bodies, it is a matter of common knowledge that they are all persons about whom little is known. Therefore, it is a very redundant provision that has been kept. I must say that in such cases or in every case, there ought not have been any provision for the removal of either ears, or eyes as in the earlier Bill, if the relatives have objections, or if the dead person had any objection during his life time.

There are faiths—and I must emphasise this particular fact—that look upon the dead body as sacrosanct; they give sanctity to the dead body; they do not even destroy it, they bury it with all the sanctity. A general provision that in the case of unclaimed bodies, the parts of the body can be removed, will certainly be militating against these faiths and beliefs that are held by the people. I must, therefore, take strong exception to the provisions of clause 5 and clause 6. I must prevail upon the Government to take note of the particular facts, as I have said, that there are faiths that may not permit such removal. Therefore, in every case we have to be careful and we must insist that rights are given to the relatives or near relatives to object, and in case no near relative comes forward, then the dead body cannot be tampered with in the manner that has been mentioned under clause 5. I take a strong exception and protest against the sweeping powers that have been taken in clause 5 and clause 6 of the Bill. I hope, the Hon. Minister will give it a serious consideration and avoid the resentment that may come up.

Only one more word and I would conclude. Even in the case of *Post mortem*, there is a lot of resentment on sentimental grounds. Now taking this additional power of removing either eyes or ears of the deceased

irrespective of and despite the objections of the near relatives will create a lot of discontent, bitterness and may also be against the faiths practised by the deceased. I, therefore, must strike a note of caution, protest and strongly urge upon the Government to reconsider the provisions of clauses 5 and 6.

16.00 hrs.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND): Mr. Chairman, Sir, first of all I must thank all the Members for their unequivocal support given to the Bill.

MR. CHAIRMAN: They have lent their ears to you also.

SHRI B. SHANKARANAND: Of course, they have lent their ears and I have heard them by one ear, but not let out from the other ear.

Sir, it is a very important Bill in the sense that it has come in succession after the passing of the Eye Bill yesterday.

Sir, nature is so wonderful that it has kept the eyes in front of the face and ears on the side, thereby expecting the humanity to progress and see the path of progress in straight ways and still hear about the dangers, pitfalls, problems that lay ahead in the path of progress.

I have heard all the arguments, suggestions and protestations made by some Members with regard to certain provisions of the Bill with rapt attention. The main objection raised in the last Bill yesterday was regarding the Eyes—why only for the Delhi Administration Area? Why not for the whole country? That seems to be the main objection by certain Members. Though I had said this yesterday? still I repeat for the sake of records that the Bill relates mainly to entry (6) public health and sanitation hospitals and dispensaries of State List of the 7th Schedule of the Constitution.

SHRI INDRAJIT GUPTA:
Is it for the dead?

SHRI B. SHANKARANAND:
The Bill is not for the dead. It is for the living.

SHRI INDRAJIT GUPTA:
But there is no provision in the Bill for the transplantation. It only provides for the removal.

SHRI B. SHANKARANAND:
My friend has not read the provisions in this. I will show it. The Bill is meant for the living and not for the dead. See, the Bill Comes under this. The Bill is intended to apply to the Union Territory of Delhi under Clause 4 of article 246 of the Constitution whereby the Parliament has legislative competence to make law with respect to matter contained in the Bill for the Union Territory of Delhi. Unless the Legislatures of the States pass resolution under Article 252 to the effect that with respect to the aforesaid matter Parliament should make law, then only the Parliament gets competence to frame law for this purpose, which would be applicable to whole of India, except the State of Jammu and Kashmir.

The impression that the Hon. Members are having is that this is a Bill concerning only the dead bodies. It is entirely wrong. This is a Bill concerning the health of the living people; and for that we have made provisions where that limbs and organs of the dead persons can be very well made use of for the living ones and make their faculty of hearing improved. That is the gist of the Bill.

Of course, I wish all the States and Union Territories should emulate this Act of Parliament that we are just going to pass and make provision through out the country for the benefit of those who want medical aid in this regard.

Some people said where is the provision to stop the misuse of the Bill? I don't find anywhere and I cannot imagine also—that an ear-bone or an ear drum can be used for any knee or backbone or skull or anything. That can be used only for the ear drum or ear bone. There cannot be any misuse. If anybody can think of misuse of this organ, I am willing to consider it.

Regarding Registered Medical Practitioners, an objection has been raised. No doubt I had made a provision specifically about post-graduates, and persons who have experience—in the Eye Bill which we passed yesterday. Here, in this case, the medical advice to me is that it is not such a complicate procedure as is required for removal of the eye, because in the case of the eye, it is such a sensitive, transparent membrane which protects the eye from the front. It is a delicate thing. And only a man who has experience in in removing the eye can handle this. That sort of an experience is not required for removing this ear drum and bone. That is the advice given to me. That is why we have not made any specific provision.

Whenever there is a person whose life is coming to an end, either he is in the hospital, or outside the hospital because of accident or otherwise. If he is in the hospital, I don't imagine at all that any person who does not know how to remove the ear bone or ear drum will handle it, because he is in the hospital. I don't think any hospital authorities will allow this also. And if the death occurs outside the hospital, and the dead body is rushed to the hospital, of course it is handled by the surgeons. Even a person who performs a *post mortem* is supposed to know the anatomy of the body; and he does the *post mortem* when he knows how to cut the body, and each part of the organ. So, it is not as if anybody is going to

[Shri B. Shankaranand]

remove this year drum or ear bone. In view of this,

Members may think about the circumstances under which the ear bone or ear drum is to be removed, and about this sort of an objection. Of course, we can imagine a extreme case. But I hope this will not happen. Anyway, we will see. This is the first time that we are bringing in this Bill, and we will see how it functions, and the progress will be watched. I think nobody will prevent us from bringing in some improvements to certain provisions of the Bill.

At the moment, there is only one Ear Bank in the country; and it is in the LNJP Hospital, Delhi. I hope such ear banks will be started in all those medical institutions where such ear banks can be established, and ears can be preserved for transplantation for needy ones.

The ear transplantation cases so far handled, were 80, since 1975 when this bank was established in Delhi.

SHRI MOOL CHAND DAGA (Pali): During these seven years, what is the total number?

SHRI B. SHANKARANAND: I am giving you. Please have your ears tuned to me.

AN HON. MEMBER: He is donating them in advance.

SHRI B. SHANKARANAND: I want ears, and I want donors. Ears which will carry the sound to the heart, which will react to the needs of the society. I want such ears. I don't want ears which will give a deaf ear to the crying needs of the society. I don't want such ears. (Interruptions) The sound can become a noise, and the heart rejects it.

There were certain suggestions, of course, regarding incentives. We

cannot compare this Bill with the family planning programme because there, we have to cut the size of the family and the numbers. Here, we want more ear bones to help the needy ones. And incentives in his fields will definitely lead to corruption and exploitation of the poor people, and I do not want that.

DR. VASANT KUMAR PANDIT: There will be no exploitation :

SHRI MOOL CHAND DAGA: How the poor people will be exploited by this?

SHRI B. SHANKARANAND: I have already told that I can lend ears. I can ask Mr. Daga to give ears, but I do not know whether he would give me the ears ; I know he would not give me the ears, because to give ears means sacrifice. I know he will not do it.

SHRI MOOL CHAND DAGA: Both the Ministers must first set this example.

SHRI B. SHANKARANAND: Regarding the objection raised with reference to Clauses 5 and 6, clause 5 is entirely related to the authority for the removal of ears in the case of unclaimed bodies in the hospitals. Mr. Banatwalla has raised it and as a matter of fact protested against this provision, because he says that certain dead bodies are bought by the people. I do not know if I have heard him correctly. I am not sure, because it is a religious feeling.

SHRI G. M. BANATWALLA: Shall I repeat my speech? I said, there are many faiths which consider the dead body with sanctity, sacrosanct after the death. There are many such faiths. Now a dead body is there. If a person is there with such a faith, then it will be certainly wrong on your part to remove any part of that dead body.

SHRI B. SHANKARANAND:

I respect all the faiths, but what can I do if nobody comes to claim the dead body? It is not a question of religion; it is a question of claiming the dead body. So, I don't think he has any objection for that. Clause 6 refers to the person competent under this Act to give authority. This clause does not refer to any person or any person competent under any other Act, under any other provision of any other Act. It says, competent only under the provision of this Act. And who is the person competent under this Act—only their near relatives and nobody else? I ask any hon. member to point out if there is any other person under the provisions of this Bill except near relatives who can give authority; and the absence of the authority does not mean permission to remove ear drums and ear bones. So, the question of raising objection or giving consent by any person competent to this authority does not arise in this section. Because the person competent under the provisions of this Act is only near relative.

SHRI G. M. BANATWALLA:
That person competent under the provisions of this Act is equal to near relatives, if that is your plea, then say it clearly. Why keep all this ambiguity

SHRI B. SHANKARANAND:
There is no ambiguity. My hon. friend must read the Act as a whole.

SHRI G. M. BANATWALLA:
Hole!

SHRI B. SHANKARANAND:
That is the difference between the voice and the sound and the difference between the two, because I say the whole of that he refers to the hole of the ears. Dr. Vasant Kumar Pandit has suggested about bringing forward a comprehensive Bill. I think it is worth consideration. Because a time may come, as science advances, many parts, organs of the body, and limbs may be available after the death of the

person for transplantation for a living person, which will be useful. It needs consideration. But I cannot make any provision under the provisions of this Bill. Now, Sir, as I have said, that
(Interruptions)

DR. VASANT KUMAR PANDIT
Where will the removed parts be preserved?

SHRI B. SHANKARANAND:
In the ear bank. It cannot be preserved anywhere. That is what I said. We are going to establish ear banks and eye banks. I do not know if they can be preserved other wise also. Now, under clause 7 or... (Interruptions)

DR. VASANT KUMAR PANDIT
Can any registered medical practitioner or any medical practitioner do it?

SHRI B. SHANKARANAND:
Transplanting an ear bone and ear drum can only be done by a specialist and nobody else can do. I do not think that any patient or relative of a patient can have this danger of having the ear or ear drum transplanted by any ordinary man.

DR. VASANT KUMAR PANDIT: What about the removal?

SHRI B. SHANKARANAND:
It must be by a registered medical practitioner.

DR. VASANT KUMAR PANDIT: That means, any doctor? Any BAMS can do it?

SHRI B. SHANKARANAND:
Now, looking to the human behaviour, I do not think anybody will allow anybody to remove the ear bone or ear drum.

DR. VASANT KUMAR PANDIT: There is a lacuna.

SHRI B. SHANKARANAND:
There is no lacuna.

SHRI M. M. LAWRENCE
(Idukki): Eye operation is going on everywhere.

SHRI SOMNATH CHATTERJEE: By quacks.

SHRI B. SHANKARANAND :
As Members of Parliament we have every right to express anything under the sun; and it is not that every question need be answered. I can only say that during the discussion, with respect to Members of Parliament, if we had the choice or the blessing of God, that to close our ears so easily—as we close our eyes immediately when we do not want to see anybody,—not to hear, perhaps things would have been different. But that is not the case. Hearing faculty is not under active control of our senses. We can close our eyes and refuse to see. I cannot refuse to hear and I have to bear. Having heard, I have to give my reply. There should be no objection.

SHRI G. M. BANATWALLA:
What a pathetic explanation.

SHRI B. SHANKARANAND:
I commend to this Bill. I do not think that this House will be divided in supporting this Bill.

MR. CHAIRMAN: Now, the question is:—

“That the Bill to provide for the use of ears of deceased persons for the therapeutic purpose and for matters connected therewith, be taken into consideration.”

The Motion was adopted

MR. CHAIRMAN: Now, the House will take up clause by clause consideration of the Bill. Clause 2. The question is :

“That clause 2 stand part of the Bill.”

The Motion was adopted.

Clause 2 was added to the Bill.

SHRI MOOL CHAND DAGA
(Pali): You have not called my name. I have given an amendment.

MR. CHAIRMAN: Your amendment is to clause 3. That is what the Minister said. You are not closing your ears!

Clause 3—Authority for removal of ears of deceased persons

SHRI MOOL CHAND DAGA:
I beg to move:

Page 2, line 14,—
for “either in writing or orally”
Substitute “in writing” (6)

Page 2,—
after line 38, insert—

“(4) Any ear removed in violation of the provisions of sub-section 3 shall be punishable with an imprisonment not exceeding three years.” (7)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 2, lines 18 and 19,—
for “the person lawfully in possession of the dead body”
substitute—“a near relative” (18)

Page 2,—

Omit lines 24 to 31 (19)

Page 2, line 32,—
for “(3)” substitute “(2)” (20)

Page 2, lines 32 and 33,—

Omit “or, as the case may be, under sub-section (2),” (21)

Page 2,—

after line 38, insert—

[Shri Bapuashheb Parulekar]

“Explanation.—For the purposes of this Act “therapeutic purposes” means any purpose relating to press grafting of ear drum and ear bone” (22)

PROF. AJIT KUMAR MEHTA
(Samastipur): I beg to move:

Page 2, line 17,—

after “therapeutic purposes” insert—

“or at least had not indicated during his life time his objection for such uses” (30)

Page 2, line 28,—

(i) after “such person” insert—
“having made such reasonable inquiry as may be practical”

(ii) for “near” substitute “nearest available” (1)

Page 2, line 38,—

for “that life is extinct in such body”

substitute—“that cerebral death has occurred to the donor” (32)

Page 2, after line 38, insert—

“(4) The death of a donor shall be certified by two doctors one of whom shall have experience for at least five years. These doctors shall not be members of the transplantation team.

(5) The decision to switch off the ventilator if the donor is on artificial respiration or on oxygen, shall have no connection with the requirements for transplantation, but shall be made on entirely objective grounds from the point of view of the physicians attending the patient (donor) for his injuries or disease, as the case may be, and the matter of potential ear drum

or ear bone transplantation shall be discussed with relatives of the donor only after the decision of switching off ventilator has been taken.

(6) The surgeon removing the ear drum or ear bone for transplantation shall have the additional responsibility of confirming for himself that death has occurred before he commences and also that the correct procedure has been followed in determining that the permission has been granted by the relatives and the deceased had no objection during his life time.

(7) Where the deceased had left a positive wish to donate his ear drum and ear bone, in face of the near relative's adamant objection, no further action shall be taken.” (33)

MR. CHAIRMAN : Now I will put all the amendments moved in Clause 3 to vote.

Amendments Nos. 6, 7, 18, 19, 20, 21, 22, 30, 31, 32 and 33 were put and negatived.

MR. CHAIRMAN : The question is :

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—Removal of ears not to be authorised in certain Cases.

MR. CHAIRMAN : Mr. Parulekar, are you moving your amendments ?

SHRI BAPUSAHEB PARULEKAR : No.

MR. CHAIRMAN : The question is :

"That Clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—Authority for removal of ears in case of unclaimed bodies in hospital or prison.

SHRI MOOL CHAND DAGA :
I beg to move :

"Page 3, lines 7 and 8,—

omit "or by an employee of such hospital or prison, authorised in this behalf by the person in charge of the management or "control thereof" (8)

Page 3, line 15,—

omit "nursing home". (9)

MR. CHAIRMAN : Mr. Parulekar, are you moving your amendment

SHRI BAPUSAHEB PARULEKAR : No.

MR. CHAIRMAN : Now I will put Amendments Nos. 8 and 9 moved by

Shri Mool Chand Daga to vote.

Amendments Nos. 8 and 9 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6*—Authority for removal of ears from bodies sent for post mortem examination for medico-legal or pathological purposes.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND) : I beg to move :

Page 3,—

for lines 17 to 22, substitute—

"6. Where the body of a person has been sent for post mortem examination—

(a) for medico-legal purposes by reason of the death of such person having been caused by accident or any other unnatural cause ;

or

(b) for pathological purposes, the person competent under this Act to give authority for the removal of the ears from such dead body may, if he has reason to believe that the ears will not be required for the purpose for which such body has been sent for post mortem examination, authorise the removal for therapeutic." (3)

SHRI BAPUSAHEB PARULEKAR : I beg to move :

Page 3,—

for clause 6 substitute—

"6. Where the body of a person has been sent for postmortem examination—

(a) for medico-legal purposes by reason of death of such person having been caused by accident or any other unnatural cause ; or

(b) for pathological purposes,

the person competent under this Act to give authority for the removal of ears from such dead body may, if he has reason to believe that the

*In view of the amendment to clause 6 adopted by the House, the words 'or pathological occurring in marginal heading against clause 6, were inserted as patent errors under the direction of the Speaker.

[Shri Bapusaheb Parulekar

ears will not be required for the purpose for which such body has been sent for post mortem examination; authorise the removal for therapeutic purposes:

Provided that such authority shall not be given if the competent authority has reason to believe that the deceased had not given before his death such authority or if near relatives of the deceased object to such removal." (25)

I would like to request the hon. Minister to read his own amendment again. This says :

"Where the body of a person has been sent for postmortem examination for medico-legal purposes . . or for pathological purposes, the person competent under this Act to give authority for the removal of the ears from such dead body may, if he has reason to believe that the ears will not be required for the purpose for which such body has been sent for postmortem examination, authorise the removal for therapeutic."

I would request you to kindly consider the position if the near relation objects to that, because here is a case where the consent by the dead is not given. Even you are not contemplating a case there he has not given refusal. So, you have given this authority to the incharge in the hospital, who is doing the post-mortem examination. . . .

SHRI B. SHANKARANAND : Please read the clause. The authority has been given to the person who is competent under this Act. This Act does not give authority to the person who is doing post mortem examination.

SHRI BAPUSAHEB PARULEKAR : Here is a case where the deceased has not given his consent or refusal. Therefore, you give the authority to the competent authority, whoever he is, in spite of the objection by the near relatives. Is it proper ?

SHRI B. SHANKARANAND : The person who is competent to give authority is the near relative himself.

SHRI G. M. BANATWALLA : Mr. Chairman, you should also try to enlighten the hon. Minister. What is the harm in using the words 'near relative' ?

SHRI BAPUSAHEB PARULEKAR : I do not know whether you have considered my amendment.

SHRI B. SHANKARANAND : You please read the Bill. If the person has not given his consent during his life time, still a near relative can give consent.

MR. CHAIRMAN : I will now put amendment No. 3, moved by Shri Shankaranand, to the vote of the House. The question is :

Page 3,—

for lines 17 to 22 , substitute—

"6. Where the body of a person has been sent for postmortem examination—

(a) for medico-legal purposes by reason of the death of such person having been caused by accident or any other unnatural cause ; or

(b) for pathological purposes .

the person competent under this Act to give authority for the removal of the ears from such dead body may, if he has reason to believe that the ears will not

be required for the purpose for which such body has been sent for postmortem examination, authorise the removal for therapeutic" (3)

The motion was adopted.

MR. CHAIRMAN : I will now put amendment No. 25, moved by Shri Parulekar, to the vote of the House.

Amendment No. 25 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 6, as amended, stand part of the Bill"

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 to 9 were added to the Bill.

Clause 10 was added to the Bill.

Clause 1—Short title extent and Commencement.

SHRI B. SHANKARANAND :

I beg to move :

Page 1, line 4,—

for "1980" substitute "1982" (2)

SHRI MOOL CHAND DAGA :

I beg to move :

Page 1, line 5,—

for "the Union territory of Delhi" substitute "India except the State of Jammu and Kashmir" (4)

Page 1, line 6,—

for "Administrator" substitute "Central Government" (5)

PROF. AJIT KUMAR MEHTA :

I beg to move :

Page 1, line 5, *for 'the Union territory of Delhi' substitute 'India' (26)*

Page 1, line 6,—

after "Administrator" insert

"or the District Magistrate as the case may be" (27)

MR. CHAIRMAN : I will now put amendment No. 2, moved by Shri Shankaranand, to the vote. The question is :

Page 1, line 4,—

for "1980" substitute "1982" (2)

The motion was adopted.

MR. CHAIRMAN : I will now put all other amendments to clause 1 to vote.

Amendments Nos. 4, 5, 26 and 27 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 1, as amended, stand part of the Bill"

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made—

Page 1, line 1,—

for "Thirty-first" substitute "thirty third" (1)

(Shri B. Shankaranand)

MR. CHAIRMAN : The question is :

"That the Enacting Formula, as amended, stand part of the Bill"

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The title was added to the Bill.

SHRI B. SHANKARANAND : I beg to move :

"That the Bill, as amended, be passed".

MR. CHAIRMAN : The question is :

"That the Bill, as amended, be passed".

The motion was adopted.

DR. SUBRAMANIAM SWAMY (Bombay North East) : Sir, on a point of order. Shri Zail Singh has been elected President. The ruling party should distribute sweets.

MR. CHAIRMAN : Is it a point of order ?

SHRI SOMNATH CHATTERJEE (Jadavpur) : We all know that Dr. Swami will have a special dinner.

16 30 hrs.

CHIT FUNDS BILL

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARI) : Sir, I beg to move * :

"That the Bill to provide for the regulation of chit funds and for matters connected therewith, as reported by the Select Committee, be taken into consideration".

This Bill seeks to provide for the regulation of chit funds and for matters connected therewith.

As the hon. Members are aware, the Prize Chits and Money Circulation Schemes (Banning) Bill was passed by Parliament in 1978. That Act related to banning of the prize chits while the Bill under consideration seeks to regulate the activities of chits popularly known as 'conventional chits'.

The Bill was introduced in this House on 20th November, 1980, and

was referred to the Select Committee of the Lok Sabha on 23rd December, 1980. The Committee has since presented its Report on 25th November, 1981. The Bill as reported by the Committee is now before this House for consideration.

It would be relevant to explain the difference between these two kinds of chits. The *modus operandi* of 'prize chit' is that the promoter collects subscriptions in one lump-sum or by monthly instalments. Periodically, the numbers allotted to members holding tickets are put to a draw and the members holding lucky tickets get prizes either in cash or in the form of articles, such as, car, scooter etc. The prize-winners in a prize chit are not generally required to continue the pay their subscriptions till termination of the scheme. The prize amount so disbursed is also much smaller than the total amount collected by the promoter. These prize chits benefit primarily the promoter and do not serve any useful purpose. On the contrary, being prejudicial to the public interest, they adversely affect the efficacy of the fiscal and monetary policy. The conduct of these chits or money circulation schemes has, therefore, been banned by the Act of Parliament in the larger interest of the public.

The 'conventional chit' is an old indigenous financial institution involving regular periodical subscriptions by a group of persons. It is, in law, a contract between a specified number of subscribers and the foreman which provides that subscribers shall subscribe a certain sum of money by periodical instalments for a definite period. Each subscriber shall, in his turn, as determined by draw or by auction or in such agreed manner, be entitled to the prize amount. There will be as many periodical instalments as there are members. The prize winner is, thereafter, ineligible for any further prizes although he has to continue

*Moved with the recommendation of the President.