

मिनस्टर को भी सफाई के साथ डाइरेक्शन होना चाहिए कि वहाँ आकर जवाब दें कि वस्तु स्थिति क्या है ।

SHRI VICE-CHAIRMAN (SHRI D. THENGARI) : The House will appreciate that the question was raised first in the presence of the Chairman. It will be only fair if it is pursued with the Chairman only. I will convey to the Chairman the feelings of the House as expressed. I will apprise him of the whole discussion and it will be fair that the matter should be pursued with him.

श्री राजनारायण : नेता सदन को आप डाइरेक्शन दे सकते हैं ।

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The Chairman will have to pursue the matter.

THE MEDICAL TERMINATION OF PREGNANCY BILL, 1969

Motion for reference to Joint Committee of the Houses—contd.

SHRI A. D. MANI (Madhya Pradesh) : Sir, I extended to the Medical Termination of Pregnancy Bill my qualified support. I am using the word "qualified" not whole-heartedly because I feel that a reformist measure of this character, which is very radical in nature, should be tried out for a period of ten years in this country. I would like to give the Act that may be passed by Parliament a ten year limit so that our tradition-bound community might be in a position to co-operate whole-heartedly with this measure.

As far as this Bill is concerned, it is noteworthy that the persons who oppose this Bill are men—ladies gave their whole-hearted support to this Bill—who do not have to undergo pregnancy themselves. They opposed this Bill on account of traditional values which the community cherishes.

I would like to mention here that it should not be understood that this Bill is being brought forward by the Government as a population control device because it has been accepted that other

devices should be accepted and not abortion or "medical termination" as it is called in the Bill.

Sir, I would like to make some suggestions. as this Bill is going to a Joint Committee, in regard to the various clauses of the Bill. I may not be in a position to offer my evidence before the Select Committee and I felt that on the floor of the House, I should be able to offer my suggestions regarding the amendment of this Bill which is now going before the Select Committee.

In clause 3 of the Bill it has been provided that this medical termination of pregnancy can be done by a registered medical practitioner where the length of pregnancy does not exceed 12 weeks. Now, I would like to put in a stipulation that the registered medical practitioner must have at least five years' standing. I am mentioning this because, there have been a number of cases where persons of the rank of House Surgeon and so on have been involved in termination of pregnancies. There have been allegations made in regard to certain hospitals in Delhi also. I do not want, therefore, that a person with a very low order of seniority in the profession should be in a position to perform abortions. Therefore, I suggest that the stipulation of 5 years' standing should be inserted in clause 3(2)(a).

In regard to clause 3(2)(b)(i)—"the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of injury to her physical or mental health"—I would like a stipulation to be made that along with medical opinion, psychiatric opinion should also be taken before termination of pregnancy is decided upon. It is necessary that this stipulation should be put in the Bill so that this Act may not be put to wrong use by those who want to resort to abortion as a means of population control or birth control.

I would also like another provision to be added to clause 3(2)(b)(i); *i.e.* after "the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of injury to her physical or mental health", the following should be added—"or places her in a disadvantageous position in the social life of that community." This is not the language of the draftsman. I feel that a person should not be looked upon as a person on whom odium should be

[Shri A. D. Mani]

cast because of her pregnancy. There are many families where unmarried mothers can be taken care of by their brothers or their parents. In such cases medical termination of pregnancy should not be decided upon. . . . Sir, may I have the attention of these two gentlemen? So, it is very difficult to decide on the question of termination of pregnancy in these cases and, therefore, the criterion should be that the person would be placed in a disadvantageous position in the social life of the community. I am mentioning this because there are a number of persons in the Soviet Union who claim openly that they have stayed as husband and wife for 40 years—I do not want to mention the names of the dignitaries—without getting married. In the Soviet Union, the question of being placed at a disadvantageous position does not arise.

Then, Sir, I would like to delete Explanation II wherein it has been stated, "Where any pregnancy occurs as a result of failure of any device used by any married woman or her husband. . . ." I do not want this Bill to be a substitute for birth control. If the devices fail, the pregnancy should not be terminated because it might have a very injurious effect on the mental health of the patient.

Then, clause 4 of the Bill says that the termination of pregnancy shall be done in a hospital established or maintained by Government, or in a place for the time being approved for the purpose of this Act by Government. Now, what is likely to happen is that a large number of clinics may apply for permission to Government that they should be declared as clinics which are capable of, or fit for, performing abortions. I do not want this to be done. It should be done only in a Government hospital.

Clause 6 of the Bill requires that the opinion of doctor should be stated in in writing. I think that there should be a definite record maintained for the reasons which require the termination of pregnancy by a doctor or a team of two doctors. I would also like to provide that such opinion shall be recorded as privileged matter and shall not be called in question in a court of law under the law of evidence, because we do not want the legitimacy of any person or the private affairs of any person to be the subject of evidence in a court of law.

Clause 6(1)(c) prohibits "this disclosure, except to such persons and for such purposes as may be specified." I would like to mention that only the father or the mother or the husband and nobody else has got the right to know whether any pregnancy has been terminated. (*Time-bell rings*) Sir, this is a very far-seeing and progressive measure. Such measures have been adopted in other countries of the world. But, as I said, I would like to give this measure a 10-year trial. I do not want to dempen the enthusiasm of my hon. friend, the Minister of Family Planning. But I feel that in our country where we are bound down by ties of religion and tradition, we should give this a trial for a limited period to see whether it works successfully. If it works successfully, Parliament ten years later may renew this Act indefinitely.

SHRI K. CHANDRASEKHARAN (Kerala) : Mr. Vice-Chairman, Sir, I rise to support in the main and generally the provisions of this Bill. My hon. predecessor thought that in some of the provisions of this Bill, which he pointed out, there was an aspect of family planning programme involved. I respectfully beg to differ. I do not think, Sir, that there is any item of family planning programme to be achieved by implementing the provisions of this Bill when it is enacted into law. Certainly, the medical termination of pregnancies as an item of family planning programme is still controversial, particularly in this country. And it is only because I am not able to see any aspect of family planning programme inducted into the provisions of this Bill that I put forward my support to the provisions of this Bill. I want that in this Bill no item of family planning programme should be included at all. I am particularly giving this warning because the Bill is going to a Select Committee.

There is one view that as and when there is a medical termination of pregnancy, as per the provisions of this Bill, it should be followed up by sterilisation. I do not think that view is correct. There should not be any question of sterilisation as a compulsory follow-up to the termination of pregnancy, by resorting to the provisions of this Bill.

Another aspect to which I would like to draw the attention of this hon. House and of the Select Committee is

the question of how far a married woman's consent or an unmarried girl's consent, irrespective of whether she is a minor or not, should also be taken into consideration for the purpose of termination of pregnancy. It is well known, Sir, that under the Indian law, a minor under the Indian Majority Act, is incapacitated legally from giving any sort of consent. But that consent is for various other purposes including contract. The consent that is necessary for the purpose of this Bill is a consent which personally affects the married woman or the unmarried girl. And there is a *non-obstante* clause contained in clause 3 of this Bill to the effect that in spite of any provision to the contrary in the Indian Penal Code, a registered medical practitioner can terminate a pregnancy in accordance with the provisions of this Bill. I would respectfully put it for the consideration of the Select Committee, in the matter of termination of pregnancy except in the case of a woman who is a lunatic, in all other cases, apart from the consent of the husband or the consent of the guardian that is necessary as per the provisions of this Bill, if it would not be advisable to get the consent of the girl also or the woman. No doubt, it would be a problem as to how that consent is to be obtained and whether that consent will not be vitiated by fraud or undue influence or coercion. I would again suggest to the Select Committee in this regard that there should be some sort of subjective satisfaction on the part of the registered medical practitioner or the registered medical practitioners concerned that the woman or the girl who is to be subjected to the termination of pregnancy, is also a consenting party so far as the termination of her pregnancy is concerned.

Then, the power to make subordinate legislation by regulations is given in this Bill to the State Governments. I do not know whether the Government has completely ruled out the necessity of the possible subordinate legislation by the Central Government itself applicable to the whole country. The provisions contained in clause 6 enabling the State Governments to make regulations are healthy and good. But at the same time I would suggest to the Government and the Select Committee the consideration of the incorporation of a provision for a general rule-making power for the Central Government for making rules applicable to the whole country so

as to carry out the purposes of this Bill as and when necessary. There is no harm in any case in taking that power and reserving that power in a provision of this Bill.

One more thing that I want to state rather generally at this stage because you have already warned me regarding the time-limit, is that going through many of the provisions of this very short Bill, I find that many of the words and phrases used in these clauses are vague and may lead to difficulties and even to litigations...

SHRI A. D. MANI : For example ?

SHRI K. CHANDRASEKHARAN : ... as, for example, the question of general health. It is a question of subjective satisfaction. But then the trend of rulings of the Supreme Court, although its trend was otherwise previously—that a question of subjective satisfaction with a particular authority cannot be gone into a court of law at all was the previous position—is that the legal position today is fairly well-adumbrated particularly in two rulings of the Supreme Court in 1968 and 1969 that even in the matter of subjective satisfaction, that subjective satisfaction has got to be entered on relevant factors. What are those relevant factors? I have not seen in the provisions properly as to what they are. There are no guidelines for the many semi-technical words and phrases used in the provisions of this Bill and particularly for that purpose I should think that subordinate legislation by the Central Government would be absolutely necessary. Thank you.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (DR. S. CHANDRASEKHAR) : Mr. Vice-Chairman, I am very grateful to all the Members who spoke for the general support they had given to this Bill. The first point that I would like to take is of the honourable Member who suggested that the Bill should be referred back to elicit public opinion. I would like to tell him that during the course of the discussions today in the Rajya Sabha, on the Motion to refer the Medical Termination of Pregnancy Bill to a Joint Committee, an amendment has been moved

[Dr. C. Chandrasekhar]

to refer the Bill for eliciting public opinion. I would like to bring to the attention of the House the following facts :—

The Shantilal Shah Committee which was appointed specifically to go into the entire question of the liberalisation of abortion laws in India, had members from a number of public and specialised bodies like the Family Planning Association of India, the All-India Women's Conference, the Association of Medical Women of India, the Central Social Welfare Board, the Indian Medical Association, the Indian Council for Child Welfare, the Women Gynaecologists and Obstetricians Association, and the Social Workers' Association. This Committee issued a questionnaire, among others, to Members of Parliament, all Members of the seventeen State Assemblies, and all medical, social, legal, political and religious organisations throughout the country. It received 570 replies to the questionnaire including 140 from welfare organisations, 8 from religious leaders, 6 from the press, 9 from Members of Parliament and State Assemblies and 235 from professors and principals of medical colleges and other medical personnel, etc. Public opinion was fully sought and considered by the Committee. In fact Appendix III to the Committee's report has analysed and presented the data based on the replies received by the Committee. The Committee, I would also like to mention, interviewed a few selected persons in varied fields in Delhi, Calcutta and Bombay. The opinions of all the State Governments on the recommendations of the Shah Committee were obtained before considering the matter further by the Central Family Planning Council. The recommendations of the Committee were considered by the Central Family Planning Council which has as members all the State Health Ministers and representatives of organisations like the Family Planning Association of India, the All-India Women's Conference, and also some Members of Parliament, both men and women. These various points of view were available after considering which it was recommended by the Council that the existing law be liberalised. The Shantilal Shah Committee report has been before the public for a considerable time and public opinion has been expressed through the newspapers, discussions on the AIR, tele-

vision, press, etc. In fact, the report was submitted in 1967 and then it was circulated to all Members of Parliament and copies are available in the library. In fact I was surprised when some Members mentioned that they had not read the report. I would like to tell them that copies were distributed to every Member of Parliament and those who had perhaps missed it because they get a plethora of literature, might refer to the report which is available in the library or if they want I shall be very glad to send them one. I have also received copies of several articles published in the newspapers and views expressed by experts and laymen, and the consensus of such public opinion from the discussions in the national press has also been taken into consideration. The Joint Committee could also give—and this is very important—an opinion that it wants to consult any expert here or elsewhere, and it can appreciate the opinions of Members of Parliament who are not on the Joint Committee. And therefore, there is ample time and room enough to make any changes if the Members so desire. Thus it will be seen that the only purpose which the Member's amendment for referring the Bill back for eliciting public opinion, could serve is unfortunately, if I may say so, that there will be delay in the matter of bringing forth this legislation. Therefore, under the circumstances I would like to request the honourable Member very earnestly that he need not press this question.

As far as the points of other Members are concerned, I would first like to dispose of the questions raised by Mr. Rajnarain. There were two parts of Mr. Rajnarain's speech which was a long one. The first part of it was progressive and he gave strong support to the Bill for which I am most grateful to him. Secondly, he said that in fact the Bill did not go deep enough or far enough and he was thinking in terms of the 21st century that people should be given as in the socialist and communist countries, abortion on request. I am grateful to him. At the same time I should very strongly resent that he has unfortunately made use of this privileged position as a Member of this House to make certain aspersions on the Prime Minister . . .

SHRI RAJNARAIN (Uttar Pradesh) : Why ?

DR. S. CHANDRASEKHAR : ... because I regret this; though the translation was not very sound I understood it in English that he made some personal allegations against the Prime Minister. We have discussed threadbare the circumstances under which Dr. Lohia's death took place perhaps more than once—in fact I think three or four times. Shri Rajarain said—unfortunately and if I may quote it, if I recall from memory—* * * * if I am right.

श्री राजनारायण आन ए प्वाइंट आफ आर्डर । श्रीमन्, मेरा प्वाइंट आफ आर्डर यह है कि मन्त्री जी हमारी किसी राय से अपनी असहमति प्रकट कर सकते हैं, यह उनका अधिकार है, वह ऐसा करें। लेकिन विनम्रता के साथ हमारा निवेदन है कि जब तक जो बात मैं कह रहा हूँ, उसकी कोई इन्क्वायरी नहीं तब तक मन्त्री जी के मुखारबिन्दु से यह बात नहीं निकलनी चाहिए। * * * मैं कह रहा हूँ कि डा० चुग—जो डाक्टर चुग लाल बहादुर शास्त्री को प्वायजन दिलाए के जिम्मेदार थे, वही डाक्टर चुग विलिंगडन अस्पताल में थे और जो डाक्टर डा० लोहिया का आपरेशन करने गया था, वह डाक्टर डा० चुग से मिल कर गया है, उनसे बात करके गया है। इसी सदन में पहले हमें बताया गया था। हम काबुल से लौटे हैं, खान अब्दुल गफ्फार खा से मिल कर, और 2 तारीख से 12 तारीख तक डा० लोहिया के साथ बराबर रहा था। हमको बराबर यही कहा गया कि डा० पाठक ने इनका आपरेशन किया और इस सदन में बाद में कहा गया कि डा० पाठक ने नहीं किसी और ने किया, डाक्टर दफ्तरी या डाक्टर चौधरी जो हैं उन्होंने किया। अब वहाँ कि जो नर्सिंग का बयान हमने लिया और जो एक कमेटी बनी थी, टु सजेस्ट रिफार्म इंटू आल दि हास्पिटल्स उस कमेटी के बहुत से मेम्बरों से जो हमारी जानकारी है, उसकी बुनियाद पर मैं आज फिर जोर देकर कहना चाहता हूँ कि डा० लोहिया की जिस संदेहास्पद स्थिति में विलिंगडन अस्पताल में

मौत हुई, उसकी इन्क्वायरी हो और जब तक उसकी इन्क्वायरी नहीं होगी कैसे मालूम होगा कि डा० चुग से कितने डाक्टर, कौन डाक्टर, मिले और वह डाक्टर कैसे गया, आपरेशन किसने किया और आपरेशन के समय वह कौन चीज़ छूट गयी थी। शान्तिलाल शाह, जिनको रेफर कर रहे हैं, उनसे निजों तौर पर हमारी बात हुई, उन्होंने कहा है कि राज नारायण जी, हमको जो कुछ कहना है, हमने अपना संपरेट मोरारजी भाई और प्रधान मन्त्री को बता दिया है। हमने कहा कि संपरेट क्या आपने बताया।

सवाल यह है कि एक इतनी बड़ी हस्ती उठ जाय, तमाम देश और विदेश के डाक्टर आये, देश विदेश कि सारी दवाये कर के थक जाय और जो आपरेशन के समय एक चीज़ छोड़ दी गई है, उसकी जानकारी किसी मेम्बर को हो नहीं। अगर वही चीज़ दूसरे दिन मालूम हो गई होती तो डा० लोहिया को बचाया जा सकता था। इसलिये यह बड़ा भारी सवाल है। डा० लोहिया की हत्या हुई। अब सरकार कमेटी बैठाये। यह जो जनसंघ के नेता पंडित दीनदयाल जी की हत्या हुई, उसकी भी इन्क्वायरी की मांग हम लोगों ने की। वह हो रही है। और जो डा० श्यामा प्रसाद मुखर्जी की हत्या हुई उसके लिये भी हम लोगों ने कहा कि इन्क्वायरी हो। गवर्नमेंट सब चीज़ टालती चली जा रही है।

मैं आज कहना चाहता हूँ और जोरदार शब्दों में कहना चाहता हूँ कि सरकार ठीक ढंग से अपने कर्तव्य का पालन करे और डा० लोहिया के निधन के बारे में जांच कराये, 12 अक्टूबर, 1967 को जिस प्रकार से उनका निधन विलिंगडन अस्पताल में हुआ है, उसकी इन्क्वायरी अवश्य ही सुप्रीम कोर्ट के, हाई कोर्ट के, सुप्रीम कोर्ट के जज के जरिये ही होनी चाहिये।

***Expunged as ordered by the Chair.

[श्री राजनारायण]

श्रीमन्, मैं आपके द्वारा निवेदन कर दूँ, मैं वह सब यहाँ लाया नहीं हूँ, हमारे पास एक नहीं अनेक रिपोर्टें हैं, जब उनके ब्लड का टेस्ट हुआ है, जब उनके पेशाब का टेस्ट हुआ है, जब उनके पाखाने का टेस्ट हुआ है, हर टेस्ट में विलिंगडन अस्पताल में निल पाया गया और मेडिकल इन्स्टीट्यूट के टेस्ट में भिन्न पाया गया, दोनों जगह भिन्न भिन्न पाया गया। तो ये तमाम चीजें आई हैं, जितनी चीजें हमारे डिस-पोजल में, हमारी जानकारी में हैं, वह है। हम भूल गये, हम वह चिट्ठी लाये नहीं, नहीं तो उसकी पढ़ते कि लोग कितना डिमांड कर रहे हैं कि डा० लोहिया का निधन जिस ढंग से विलिंगडन अस्पताल में हुआ, उसकी इन्क्वायरी हो। मैं आज निवेदन करूँगा कि सरकार अपनी जिम्मेदारी को टाले नहीं, सरकार ठोक ढंग से अपने कर्तव्य का पालन करे और डा० लोहिया का निधन जिस ढंग से हुआ उसकी सही तरीके से जांच हो और जब तक सुप्रीम कोर्ट, हाई कोर्ट के जज के द्वारा उस पर जांच नहीं होगी तब तक यह संदेह रहेगा कि प्राइम मिनिस्टर बहुत ही पद की लालची है, लाल बहादुर शास्त्री के साथ जो व्यवहार हुआ वह सामने आ रहा है दो चार दिन में पूरा सदन में, क्योंकि जो लेडी श्री लाल बहादुर शास्त्री के साथ थीं, उसने दस्तखत नहीं किया तब दूसरे लोगों को बुलाकर दस्तखत कराया गया। तो यह सारी की सारी बात रहते हुए हम कैसे प्राइम मिनिस्टर को छोड़ दें।

उपसभाध्यक्ष (श्री दत्तोपन्त ठेंगड़ी) : अच्छा अब आप बैठिये।

श्री राजनारायण : * * * *

उपसभाध्यक्ष (श्री दत्तोपन्त ठेंगड़ी) : आप बैठिये।

DR. S. CHANDRASEKHAR : Sir, I am very sorry, the hon. Member is trying to give this unnecessary information in the course of the debate on this Bill. I was in charge of the health Ministry and I remember having

answered innumerable questions on the unfortunate death of Dr. Lohia. We had several enquiries made into the circumstances leading to his death and several reports were sent. But if the hon. Member wants the Government at this stage to institute an enquiry, I have no objection at all. But I very strongly object to his saying * * * *

This is a very serious thing and I am sure it is very unworthy on the part of the hon. Member to say that.

श्री राजनारायण : तो आप इन्क्वायरी कराइये। ठीक है। उस रिसर्पासिविलिटी को समझ कर के ही मैं यह दोषारोपण कर रहा हूँ। मैं फिर दोषारोपण कर रहा हूँ; क्योंकि * * * *

उपसभाध्यक्ष (श्री दत्तोपन्त ठेंगड़ी) : राजनारायण जी, आप बैठिये।

श्री राजनारायण : श्रीमन्, मैं आपकी आज्ञा को शिरोधार्य करता हूँ, मैं बैठता हूँ। लेकिन माननीय मन्त्री जो ने इस बात की ताईद कर दी कि वह इन्क्वायरी बिठायेंगे, मैं चाहूँगा कि माननीय मन्त्री जो सुप्रीम कोर्ट के जज की एक इन्क्वायरी कमेटी बिठायें, जब उस इन्क्वायरी कमेटी की रपट आ जाय तभी कुछ कहें कि कौन उसमें इस्ट्रूमेंटल था या कौन नहीं था।

SHRI A. K. KULKARNI (Maharashtra) : Sir, on a point of order. My point of order is that Mr. Rajnarain made some allegation in his speech and now also he is stating something. My submission to you is that what Shri Rajnarain has already said and what he is now trying to make out are two different things. We very much regret and express our profound sorrow at the unfortunate death of Dr. Lohia, who was a respectable leader of this country. There is no dispute about our sympathies and our sorrow. But the point that the hon. Minister is rightly making is that this subject has been discussed, discussed and discussed several times. If Mr. Rajnarain wants to raise another point, he can do it; we do not mind it because he is free to raise it. But the difficulty is that it was only against the

personal reference to the Prime Minister that the hon. Minister was seeking your protection, that such personal references should not be made in this hon. House.

श्री राजनारायण : मैं इन्दिरा नेहरू गांधी के खिलाफ कुछ नहीं कह रहा हूँ, मैं प्राइम मिनिस्टर के खिलाफ कह रहा हूँ। प्राइम मिनिस्टर इज नाट इडिविजुअल।

उपसभाध्यक्ष (श्री दत्तोपन्त ठेंगड़ी) : आप बैठिये। You had your say.

श्री राजनारायण : जो वह पर्सनल कह रहे हैं उसका जवाब दे रहा हूँ, जो प्राइम मिनिस्टर हैं वह इडिविजुअल नहीं है।

उपसभाध्यक्ष (श्री दत्तोपन्त ठेंगड़ी) : आप बैठिये।

श्री राजनारायण : जब मन्त्री जी ने कह दिया वह इन्क्वायरी कराने के लिए तैयार है सुप्रीम कोर्ट के जज के जरिये तो इस सवाल को खत्म कांजिये, अब वह अपने वचन को पूरा करे, इन्क्वायरी करिये।

SHRI M. M. DHARIA (Maharashtra) : Mr. Vice-Chairman, Mr. Rajnarain has made

I feel that it is the duty of Mr. Rajnarain to substantiate his case, or to withdraw his remarks. When Mr. Rajnarain makes such serious allegations, are we supposed to sit here without doing anything? Such remarks, Sir, should have been repudiated immediately. Instead of that he is being listened to. Mr. Vice-Chairman, I am here to make a demand from Mr. Rajnarain that he should either substantiate his case to prove * *. If he is not able to do that, then he should withdraw his remarks; and if he does not withdraw his remarks, then I suggest that those remarks should be expunged from the records, because they are very loosely made having no basis at all.

SHRI RAJNARAIN : Sir, ...

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Shri Man Singh Varma.

***Expunged as ordered by the Chair.

6—54 RS/69

श्री मान सिंह वर्मा (उत्तर प्रदेश) : मुझे, श्रीमन्, यह निवेदन करना है कि राजनारायण जी ने बड़ा जबरदस्त आरोप लगाया है, एक बड़ा गम्भीर दोष लगाया है, दोषारोपण किया है और माननीय मन्त्री जी भी इसको कबूल करते हैं, तो एक सदस्य की...

विधि मन्त्रालय तथा समाज कल्याण विभाग में राज्य मन्त्री (श्री मोहम्मद यूनुस सलीम) : क्या कबूल करते हैं।

श्री मान सिंह वर्मा : तो यह बात भीषण है, यह बात गम्भीर है, यह कबूल करते हैं। जरा अकल से काम लीजिए। लैट मी हैव माई से, हमेशा नहीं बोलते इसी तरह। तो किसी भी माननीय सदस्य को इस बात का स्वतन्त्रता है कि यदि उसको किसी प्रकार के कोई तथ्य मालूम होते हैं, तो उसको सदन के सामने रख सकता है और इसीलिए इन्क्वायरी करना और भी परमावश्यक हो गया है। इतने गम्भीर दोषारोपण है, तो इन्क्वायरी के बाद ही पता लग सकता है, यह तथ्य है या नहीं है।

श्री रेवती कान्त सिंह (बिहार) : अभी राजनारायण जी ने जो आरोप लगाया उस पर माननीय मन्त्री जी ने कहा कि उनको कोई एतराज नहीं है कि इन्क्वायरी कमीशन बैठायें। जहाँ तक राजनारायण जी ने प्राइम मिनिस्टर के ऊपर जो आरोप लगाए उसका सवाल है, जिस पर कि माननीय सदस्य धारिया जी ने, कहा कि या तो राजनारायण जी उसको साबित करें और नहीं तो आरोप को वापस ले लें, तो मैं धारिया जी से जानना चाहता हूँ कि राजनारायण जी किसके सामने साबित करें—धारिया सहव के मामले, आपके आपके या मिनिस्टर माह्व के मामले। यह साबित करने के लिये ही राजनारायण जी कह रहे हैं कि इन्क्वायरी कमीशन वैठाई जाये और इस लिये आप उसको बैठायें।

SHRI M. M. DHARIA : Mr. Vice-Chairman, Sir, I am obliged to make a demand; let this allegation by Mr. Rajnarain * * * go to the Privileges Committee and let Mr. Rajnarain be prepared for it. I am prepared for it. Let that Committee go into it. I am prepared for it, and that Committee will go into all aspects of the matter. Is he willing and prepared to place this matter in the hands of the Privileges Committee? Let us place the matter before the Chairman. Otherwise he should withdraw his remarks. The Privileges Committee is the forum and this Privileges Committee can go into this charge levelled by Mr. Rajnarain. I am prepared for it.

SHRI A. G. KULKARNI : These are all frivolous attacks on the Prime Minister.

SHRI M. M. DHARIA : Either he should withdraw his remarks, Mr. Vice-Chairman, or else tomorrow I shall approach the Chairman in regard to this matter.

SHRI A. G. KULKARNI : Let it go to the Privileges Committee. I demand that it goes to the Privileges Committee.

SHRI REWATI KANT SINHA : Let it go before a commission of inquiry.

SHRI M. M. DHARIA : Mr. Vice-Chairman, Sir, if Mr. Rajnarain does not withdraw his allegations against the Prime Minister, I shall request the Chairman to allow me to raise this privilege issue tomorrow in this House, and I would like to have this matter enquired into by the Privileges Committee, * * * Let Mr. Rajnarain take the decision by tomorrow 11 O'clock.

SHRI MOHAMMED YUNUS SALEEM : He must withdraw the allegation.

SHRI B. K. P. SINHA (Bihar) : Sir, I feel very sad over this question. We have the Government. The character of the Government may be good or bad. The person who heads the Government may be good or bad. But that person heads what is the Government of India, the Government of the Indian Union. I

feel that it is not proper very lightly to make such charges against our own Prime Minister. The power of this House is very great. This House may not have the power but the other House can make and unmake Prime Ministers. This House and the other House collectively have immense powers but—since we have immense powers—we must use those powers with very great restraint. I therefore feel unhappy at what has been said here about the Prime Minister. I request Mr. Rajnarain not to insist on continuing in the same strain, and withdraw his remarks.

SHRI K. CHANDRASEKHARAN (Kerala) : In a matter of importance like this it is only appropriate that we should state our views on this matter. It is indeed a very serious matter if somebody were to say, if an hon. Member were to say, * * * I have no doubt, Sir, that the death of Dr. Lohia is a matter of grief for the entire nation. At the same time, Sir, it is probably open to an hon. Member to feel that the necessary medical assistance, that could have been afforded for Dr. Lohia, had not been given I do not think, Sir, subject to correction by the hon. Member, Mr. Rajnarain, himself, that Mr. Rajnarain ever intended to throw anything like an abuse or insult personally against Shrimati Indira Gandhi, the Prime Minister. If that had been the intention, I have absolutely no doubt in raising the strongest opposition to such an insinuation directed against Shrimati Indira Gandhi and support any motion that the matter should go to the Privileges Committee. On the other hand, if the hon. Member only felt, in an emotional state of mind, that the negligence, that he had attributed as being the cause of the death of Dr. Lohia, on the part of the medical men in the Willingdon Nursing Home, was a matter of ultimate responsibility of the Government of India and the Prime Minister of the Government of India, if only in that way he meant it and put it, he might have used harsher language, he might have refrained from using the strong language he used. And if that was his intention, it is for the hon. Member to make clear that intention, and I believe, Sir, that no Member of this House should throw any sort of abuse against anybody personally, and I do not believe even for a moment that * * * But it may be that he meant

***Expunged as ordered by the Chair.

that the Government of India was responsible for the happening, or he thought it was a matter of honest difference of opinion—what he said.

Thank you, Sir

श्री राजनारायण : ; श्रीमन्, मैं अपने मित्र मोहन धारिया का बहुत ही शुक्रिया अदा करूंगा कि उन्होंने आज इस सदन में इस बात की आवश्यकता महसूस की कि हमने जो बात कही है उसको विशेषाधिकार समिति के पास जाच के लिये भेजा जाये। श्रीमन्, मैं ज्यूरिस प्रूडेन्स का एक विद्यार्थी हूँ। दुनिया के मसदीय इतिहास में हमने कभी इस बात को सुना नहीं कि जब सदन का कोई सदस्य सुप्रीम कोर्ट के जजों के द्वारा किसी विषय की जांच की मांग करता हो और सदन का दूसरा कोई सदस्य यह कह दे कि सुप्रीम कोर्ट के जजों के पास मे मामला आ जाये विशेषाधिकार समिति के पास और वह उस पार्टी की तरफ से कहे जो कि सदन में सरकार के रूप में है। यह एक हास्यास्पद अवस्था है। मैं मित्र मोहन धारिया को कहूंगा कि मैं उनकी बौद्धिक क्षमता पर अविश्वास नहीं करता मगर मैं चाहूंगा कि वे भावावेश में न आएं, वह वस्तुस्थिति की गम्भीरता और उसकी सत्यता और असत्यता प्रदर्शित करने के लिये सुप्रीम कोर्ट के जजों की जो इन्क्वायरी की मांग हमने की है, उसके लिये सामले को तहाँ जाने दें। डरते काहे को है? फिर भी, श्रीमन्, हमने अपने मित्र श्री चन्द्रशेखरन जी की भी बात सुनी और जो हमारे स्वास्थ्य विभाग के मन्त्री डा० चन्द्रशेखर जी हैं उनकी भी बात को सुना। इस सदन में एक बार नहीं कई बार, श्री लाल-बहादुर शास्त्री का जिस ढंग से ताशकंद में निधन हुआ, उसका इन्क्वायरी की मांग हुई है और इस सदन में वह लेडी डाक्टर जो लेडी डाक्टर बराबर उनके साथ थी, डा० चुग के साथ दस्तखत करने से जिन्होंने इनकारा है उसको भी हमने रखा है। तब टेलीफोन किय

है और बड़े आफिसरान आए हैं। उनके हस्ताक्षर रहे, लेकिन उस लेडी डाक्टर के हस्ताक्षर नहीं थे।

SHRI M. M. DHARIA : Mr. Vice-Chairman, Sir, on a point of order.

SHRI RAJNARAIN : I am on a personal explanation.

SHRI M. M. DHARIA : Mr. Vice-Chairman, my point of order is very simple. In this House I have raised only one issue. I have nowhere said that an inquiry should be instituted to go into the death of Dr. Lohia, but I have said that Mr. Rajnarain made a certain allegation against the Prime Minister * * * उन्होंने हिन्दी में कहा कि * *

3 P.M. तो इस एलिंगेशन के खिलाफ हमारे दूसरे मित्र ने पूछा कि कौनसा फोरम हो सकता है जहा इमको ले जाएं। मैंने कहा ठीक है, प्रिवलेज कमेटी के सामने हम जा सकते हैं। हमारे रूलस में बराबर लिखा है कि ऐसी कोई डिफिमेंटरी बात हो, आफेन्सिव्ह लगने वाली बात हो और उसके साथ कोई प्रमाण न हो तो उस इश्यू को वहां लाया जा सकता है। जो एलिंगेशन राजनारायणजी ने प्राइम मिनिस्टर के खिलाफ किया है उसको या तो उन्हें विदड्रा कर लेना चाहिये और अगर यह विदड्रा करने के लिये तैयार नहीं हो तो मैं आपकी इजाजत से इन मामले को प्रिवलेज कमेटी के सामने ले जाना चाहता हूँ। इसके अलावा कोई दूसरा सवाल नहीं है।

I want that evidence from Mr. Rajnarain to establish his allegation * * Such wild, barbarous allegations are made. They are false, frivolous. They are only meant to defame the Prime Minister but Mr. Rajnarain does not understand that he is lowering himself, that he is defaming himself. Therefore my demand stands and I would like to have your ruling on this matter.

***Expunged as ordered by the Chair.

SHRI B. K. P. SINHA : The whole issue is—I do not know; I was not present—that language can be used in a factual sense; it can also be used in a figurative sense.

SHRI M. M. DHARIA : It was not figurative.

SHRI B. K. P. SINHA : I do not know : Suppose a man talks in a very rude manner to a person in delicate health and that person has a shock and he dies. Figuratively one may say he was the cause of the death of that person, that he murdered him. That is in a figurative sense. But if it is alleged that he went and stabbed him, it is a clear allegation.

SHRI M. M. DHARIA : Mr. Sinha was not present. Mr. Rajnarain said

* * * * *

SHRI B. K. P. SINHA : I do not say that he used it in a figurative sense. My point is . . .

SHRI M. M. DHARIA : When you were not present, why do you argue ?

(Interruptions)

SHRI B. K. P. SINHA : I am not making any assertion. Because some people do not like that I should continue they are . . .

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : You are not seized of the full facts, Mr. Sinha.

SHRI B. K. P. SINHA : I am not passing a judgment. You are a Minister; therefore your approach is always distorted I would say with great respect to you. I am simply saying that language can be used in two senses.

SHRI M. M. DHARIA : You were not present and still you are arguing.

SHRI B. K. P. SINHA : If he has used it in a figurative sense, the matter is not so serious but if he has used in a factual sense, then the matter is serious.

SHRI DWIJENDRALAL SEN GUPTA (West Bengal) : I do not think that it will be proper to refer the matter to the Privileges Committee as suggested by my friend, Mr. Dharia. I

***Expunged as ordered by the Chair.

feel that will not in any way enhance the prestige of the Prime Minister of this country. All that I feel is that the death of Dr. Ram Manohar Lohia under tragic circumstances because of the failure of proper medical treatment was a debatable subject. It will be fit and proper to have that matter enquired into without reference to the fact whether the Prime Minister was instrumental directly or indirectly in the matter of his death. That will help us to find out the truth. People's minds are agitated over it. If Mr. Rajnarain expressed himself in very rude terms it was simply an expression of his love and feeling for Dr. Ram Manohar Lohia. It was more for that than against the Prime Minister. If the matter goes to the Privileges Committee as suggested by Mr. Dharia then there will be evidence. The Prime Minister will be as much concerned as Mr. Rajnarain himself. The question of evidence taking and all that will be there and ultimately when the matter comes to a stage of finality Mr. Rajnarain might say I withdraw, I am sorry. That might be there. Will that satisfy Mr. Dharia and the friends who feel seriously for the Prime Minister? So what I would suggest is, let not Mr. Dharia take the matter as seriously as that. Let him also join with me and request the Government to institute an enquiry as to the cause of death of Dr. Lohia.

SHRI M. P. BHARGAVA (Uttar Pradesh) : Mr. Vice-Chairman, on a point of procedure, we have a motion put down to be taken up at 3 o'clock and that should be taken up now.

SHRI A. G. KULKARNI : Yes; let us now start that discussion.

SHRI C. D. PANDE (Uttar Pradesh) : Sir, this is a new thing which has come up. This will take time.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : I will seek your co-operation. The House is aware that at 3.00 we are to take up the discussion on the sugar industry. So I would request Members to be very brief and to the point.

श्री जेड० ए० अहमद : उपसभाध्यक्ष महोदय मैं ज्यादा समय नहीं लूंगा। मैं यह कहना चाहता हूँ कि डा० लोहिया मेरे पुराने दोस्त हैं और मैं उनकी बहुत इज्जत करता हूँ।

जिस ट्रेजिक सर्कमस्टानसेज में उनकी डेथ हुई उस में हम सब लोगों की मांग यह थी कि इसके बारे में इक्वाप्ररी होनी चाहिये। मैं यह बात जानता हूँ कि उनको बचाने की बहुत कोशिश की गई। मैं यह भी जानता हूँ कि उनके लिए बाहर के एक्सार्ट भी बुलाये गये और मैं यह भी जानता हूँ कि यहां पर जो भी बेहतरीन मेडिकल एडवाइस थी वह उनको दी गई, लेकिन फिर भी अगर 58 या 59 साल के व्यक्ति की इस तरह से मौत हो जाय आपरेशन में, जिस आपरेशन के बारे में कहा जाता है कि गलत तरीके से हुआ या आपरेशन ठीक नहीं हुआ, तो इसके बारे में जांच होनी चाहिये थी और सरकार को उसे मान लेना चाहिये था। श्री राजनारायण जी की जो यह मांग है वह सही है और मैं समझता हूँ कि हाउस के सभी सदस्यों को इस मांग का समर्थन करना चाहिये।

मैं पुरजोर लफजों में इसका समर्थन करता हूँ और कहना चाहता हूँ कि अभी भी देर नहीं हुई है और इस मांग को अब भी सरकार को मान लेना चाहिये। लेकिन मैं यह कहना चाहता हूँ कि श्री राजनारायण जी ने जो इल्जाम प्रधान मंत्री के ऊपर लगाया है, मैं उसको गलत समझता हूँ। कौन मानेगा इस चीज को कि वे डा० लोहिया की डेथ के लिए रिस्पॉसिबिल हैं। यह एक अजीब सी बात मालूम पड़ती है और इसीलिए मैं समझता हूँ कि श्री राजनारायण जी को इस सवाल को नहीं उठाना चाहिये और इस तरह से एक्युजेशन या चार्ज नहीं करना चाहिये।

SHRI M. M. DHARIA : He must withdraw.

श्री राजनारायण : उनको एक्सप्लेन करने दिया जाये, उनको कहने दिया जाये कि वे क्या कहना चाहते हैं।

श्री एम० एम० ग्रारिया : डा० साहब उन्होंने ऐसा कहा कि * * *

श्री जे० ए० अहमद : इस तरह की बात नहीं कही जानी चाहिये। श्री राजनारायण जी इस बात पर सफाई पेश कर देंगे और मैं इस राय का हूँ कि उनकी सफाई आने के बाद इस मामले को प्रिविलेज कमेटी में भेजना उचित नहीं है। इस बात को कौन मानेगा * * * इसलिये फार्मली आपने मांग कर ली है, लेकिन इसको यहीं निबटा दिया जाये। इस चीज को बातचीत करके यही खत्म कर दिया जाये, तो यह बहुत बेहतर होगा।

SHRI P. C. MITRA (Bihar) : Sir, ...

SHRI SITARAM JAIPURIA : Sir, at 3.00 we are to start a debate on sugar.

SHRI P. C. MITRA : Sir, it is unfortunate that the Prime Minister's name has been dragged during the discussion on this Bill. Sir, I also would join with Mr. Sen Gupta that this matter should not go to the Privileges Committee. In this way if every matter were to be sent to the Privileges Committee then the Privileges Committee would have to be sitting continuously. I think that after a strong repudiation by the Minister and Mr. Dharia about the allegations of Mr. Rajnarain it should be sufficient. Mr. Dharia has also forcefully repudiated the insinuations made.

At the same time, I also join issue with the other Members that this matter should have a proper enquiry. We should not use bad names in a good thing. You cannot have a good thing after abusing somebody. Therefore, I think the main purpose of Mr. Rajnarain is to demand an enquiry and we endorse it. At the same time, he should not use bad names.

شوری سید حسین : میں یہ سمجھتا

ہوں کہ اگر یہ کہا جائے کہ راجنارائن جی نے جو کچھ کہا وہ انہوں نے جذبات سے کام لے کر کہا تو راجنارائن ایک چھوٹے لوگے تو نہیں ہیں - کوئی ننکا رہے اور ننکا رہ کر کہے کہ میرا یہ انٹیمیشن نہیں تھا - کمپرومائز درمیانی راستہ جیسا زیو - اے - احمد صاحب نے

فرمایا وہ ہمیں پسند نہیں ہے -
 درمیانی راستہ تب لیا جاتا ہے جب
 دونوں طرف سے دلیل کمزور ہو - ہماری
 طرف سے دلیل مضبوط ہے - اس ماک
 کے پرائم منسٹر کے خلاف الزام لگانا
 ایک ایسی بات ہے جو اس کنتری
 نے لئے رسگریس کی بات ہو جاتی ہے
 میں سمجھتا ہوں کہ اس میں
 کمپرومائز کی کوئی بات نہیں ہے -
 اس میں میگزینیٹیٹی اور بلندی اس
 بات میں ہے کہ راج نرائن جی نے
 ارادہ کے بغیر ایسے الفاظ استعمال کئے
 ہیں تو وہ آپ ان الفاظ کو واپس لے
 لیں -

† [श्री सैयद हुसैन : : मैं यह समझता हूँ कि
 अगर यह कहा जाय कि राजनारायण जी
 ने जो कुछ कहा वह उन्होंने जव्वात से काम
 लेकर कहा तो राजनारायण एक छोटे लड़के
 तो नहीं हैं। कोई नंगा रहे और नंगा रह कर
 कहे कि मेरा इन्टेशन नहीं था। कम्प्रोमाइज--
 दरम्यानी रास्ता--जैसा जेड० ए० अहमद साहब
 ने फरमाया, वह हमें पसंद नहीं है। दरम्यानी
 रास्ता तब लिया जाता है जब दोनों तरफ से
 दलील कमजोर हो। हमारी तरफ से दलील
 मजबूत है। इस मुल्क के प्राइम मिनिस्टर के
 खिलाफ इलजाम लगाना एक ऐसी बात है
 जो इस कंट्री के लिये डिस्ग्रेस की बात हो जाती
 है। मैं समझता हूँ कि इसमें कम्प्रोमाइज की
 कोई बात नहीं है। इसमें मैग्नेनिमिटी और
 बुलंदी इसी बात में है कि राजनारायण जी
 ने इरादा के बगैर ऐसे अल्फाज इस्तेमाल किये
 हैं कि वह अपने उन अल्फाज को वापस ले
 लें ।]

SHRI KRISHAN KANT : Mr. Rajnarain is a very responsible Member of this House...

SHRI K. S. CHAVDA (Gujarat) : I object to the statement made by Mr. Krishan Kant. We are all responsible. Why only Mr. Rajnarain ?

† [] Hindi transliteration.

SHRI KRISHAN KANT : All right, Mr. Chavda and Mr. Rajnarain . . .

SHRI K. S. CHAVDA : You are responsible. You are not irresponsible.

SHRI KRISHAN KANT : You do not want to hear me (*Interruptions*). It is a very strange thing, Mr. Chavda. You are taking it in a light-hearted manner. We are here discussing what Mr. Rajnarain said. We are not discussing you. If I were discussing you, I would have said . . .

SHRI K. S. CHAVDA : I am talking about the rights of Members. All are equal and all are responsible.

SHRI KRISHAN KANT : Should I say that Mr. Rajnarain is irresponsible or that he behaved that way? There should be some decorum . . .

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Mr. Krishan Kant, kindly conclude.

SHRI KRISHAN KANT : Mr. Rajnarain is a very responsible Member of this House and he is always very particular about parliamentary procedure and the words he uses. I do not know whether he used his words about the responsibility of the Prime Minister in all sincerity or in emotion. If he has used them in all sincerity, it is a very serious matter to be taken note of as to whether the Privileges Committee should go into it or not, but I think this sentence and this allegation of Mr. Rajnarain should certainly go to the Privileges Committee. There can be no going back on this. But if you feel and the hon. Member, Mr. Rajnarain, feels that it was only out of emotion and respect for Dr. Lohia, about whose passing away everybody in this country is very sorry and to whom we have the maximum respect—I think if he had lived now he would have been a great man, both in thought and action—you would ask Mr. Rajnarain if he feels that he inadvertently said it, he may kindly withdraw it and then we can pass on to the next matter. Otherwise, the whole thing should go to the Privileges Committee and it must be decided there. There he should not be allowed to withdraw it. He will have to substantiate it and he will have to prove it. In this way we will put an end to the controversy.

SHRI C. D. PANDE : I want to say one thing. To have a sufficiently long debate on this matter, put it off. We will debate that tomorrow. Otherwise, it will cut down our time.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The whole thing can be cut short. Let Mr. Rajnarain speak.

श्री बी० एन० मंडल (विहार) : श्रीमन्...

THE VICE-CHAIRMAN (SHRI D. THENGARI) : No, no, Mr. Rajnarain.

श्री राजनारायण : इनको भी आप सुन लीजिये ।

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Is he speaking on your behalf ?

श्री राजनारायण : हमारा तो पर्सनल एक्सप्लेनैशन है । ये तो पाइन्ट आफ आर्डर पर बोल रहे हैं ।

श्री बी० एन० मंडल : अभी इस हाउस में जो डिस्कशन हुआ है उसके सिलसिले में मांग की गई है धारिया की ओर से कि वह प्रिविलेज कमेटी में जाना चाहिए । मेरा कहना है कि प्रिविलेज कमेटी में नहीं जाना चाहिए ।

SHRI M. M. DHARIA : Let it go to the Privileges Committee.

श्री बी० एन० मंडल : क्यों नहीं जाना चाहिए ? इसलिए नहीं जाना चाहिए क्योंकि राजनारायण जी ने जो कुछ कहा वह किन सर्कमस्टेंसेज में कहा है यह हमें देखना चाहिए । सर्कमस्टेंसेज यह है कि जिस टाइम में डॉ० लोहिया का अपपेजेंट हुआ था उस टाइम में किसी को संदेह नहीं था । जब उनकी बीमारी बढ़ गई और उस समय डाक्टर का जो कन्डक्ट हुआ उससे मालूम पड़ने लगा कि इसके विहाइन्ड में कोई कास्पेरेसी है जिसकी वजह से उनकी हालत इतनी खराब हुई है और मरे हैं । (Interruption)- इस तरह का संदेह समूचे देश में हुआ । उनकी मृत्यु के बाद पार्लियामेंट में तंग की गई उनकी जांच

के लिए । गवर्नमेंट ने उसकी जांच नहीं कराई । अगर इन पर प्रिविलेज की कार्यवाही हो तो वह तब हो जब सुप्रीम कोर्ट का जज इनके कहने में जाकर इस निर्णय पर पहुंचे कि राजनारायण जी ने जो कहा था वह झूठ था तब मामला प्रिविलेज का चल सकता है । अगर यह साबित हो गया कि राजनारायण जी ने जो कहा था वह सही है, अस्पताल की गड़बड़ी के कारण उनकी मृत्यु हुई है तो वहां का डाक्टर तो उसके लिए रेस्पॉसिबिल होगा ही साथ साथ हिन्दुस्तान का जो प्रधान मंत्री है जो सारी गवर्नमेंट का मालिक है, विलिंगडन अस्पताल का मालिक है उसकी भी रेस्पॉसिबिलिटी उसमें आती है । इसलिए इसकी जांच होनी चाहिए सुप्रीम कोर्ट के जज के जरिए । अगर फाईंडिंग में यह पाया जाय कि अस्पताल का जो डाक्टर है वह दोषी है तो इस बात पर विचार करना होगा । दो तरह का विचार हो सकता है । एक यह कि इनएडवर्टेंटली, बिना बदनीयती के अपपेजेंट में गड़बड़ी हुई, दूसरे यह भी हो सकता है उनके सारे कन्डक्ट को देखने के बाद यह पता चले कि उनकी गैरजिम्मेदारी नहीं बल्कि उनकी जानकारी की वजह से गड़बड़ी हुई थी तो निश्चित रूप में वहां का डाक्टर रेस्पॉसिबिल है, हिन्दुस्तान का प्रधान मंत्री रेस्पॉसिबिल है । इन सारी बातों की जांच होनी चाहिए और सुप्रीम कोर्ट जज द्वारा जांच के बाद ही प्रिविलेज की कार्यवाही होनी चाहिए ।

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The House will appreciate that so far as the Bill is concerned, this is a side debate. We have devoted enough time. I think you will agree with me that Mr. Rajnarain would speak in brief and then the Minister would refer to the matter on this particular issue. So far as the Bill is concerned, you may continue your speech next day.

SHRI M. M. DHARIA : One word remains. I want Mr. Rajnarain to withdraw his allegation or I stand by my demand that this allegation of Mr. Rajnarain should go to the Privileges Committee. I am not speaking of the other

[Shri M. M. Dharia]

enquiry. Let us not mix up the two issues. An enquiry into the death of Dr. Lohia, what sort of treatment was given and all that is altogether a different thing. I am making a demand that either Mr. Rajnarain should establish his allegation. * * * * or he should withdraw the allegation. That is my point. Otherwise, if he does not withdraw it, it should go to the Privileges Committee. I stand by my demand. I shall raise this matter tomorrow. I shall not withdraw it.

THE VICE-CHAIRMAN : The House will appreciate, as I said earlier—you are also reiterating my point—Mr. Rajnarain would make a pointed reference to the question raised and then on the specific issue the Minister will speak. So far as the speech on the Bill is concerned, it will be resumed tomorrow. Mr. Rajnarain.

श्री राजनारायण : श्रीमन, मैं आपसे और आपके द्वारा सदन के सम्मानित सदस्यों से पुनः विनम्रता से निवेदन करूंगा कि भावावेश में आने से किसी समस्या का समाधान नहीं होता। जो एक उचित प्रणाली है उसे अख्तियार करने से ही समस्या का समाधान है। मैं एक प्रश्न आपके द्वारा सदन के उन सम्मानित सदस्यों से पूछना चाहता हूँ। कि जब एक बार नहीं, बहुत बार इसी सदन में बार बार डा० लोहिया बेलिंगडन अस्पताल में जिस ढंग से इस दुनिया से उठे उस की जांच की मांग हुई तो उस जांच की मांग को सरकार ने स्वीकार क्यों नहीं? मुझे मालूम नहीं कि हमारे मित्र मोहन धारिया ने कहाँ से सुन लिया या कैसे उन्होंने समझ लिया कि मैं यह कह रहा हूँ * * * ज्यादा होगा तो यही होगा। वह मरे कैसे? प्राइम मिनिस्टर ने खुद तो आपरेशन किया नहीं। सवाल यह आता है कि पर्सनली प्राइम मिनिस्टर ने जा कर के डाक्टर लोहिया को आपरेशन कर के मार डाला तो मैं समझता हूँ कि यह मेरी इच्छा नहीं है....

एक माननीय सदस्य : या मरवा दिया।

श्री राजनारायण : आप हिम को समझे नहीं। मेरा अब भी इंप्रेशन है कि प्राइम मिनिस्टर इस में कही न कही से संबधित है। यह मेरा इंप्रेशन है। यह हो सकता है कि हमारा इंप्रेशन गलत हो, हो सकता है कि हमारा इंप्रेशन सही हो....

श्री शीलभद्र याजी (बिहार) : यह गलत है।

श्री राजनारायण : मैं तो अपना ही इंप्रेशन कहूंगा, मैं मोहन धारिया का इंप्रेशन नहीं कहूंगा।

श्री एम० एम० धारिया : मैंने यही सुना था। * * * ऐसा आपने कहा था। Mr. Rajnarain was very categorical and he has to withdraw it. Why should he defend it in that way? He is not a coward.

श्री राजनारायण : जब मैं अपनी बात कह रहा हूँ तो उस में बीच में टोकिये मत। इस तरह से हल्ला मत करो। यह प्रिविलेज कोई तोप तो है नहीं। हम उस का सामना करने के लिए तैयार हैं।

SHRI M. M. DHARIA : We want it to go to the Privileges Committee. Let it go.

श्री राजनारायण : इस को मुनिये और हल्ला मत करिये। एक मर्तबा चंगला साहब ने भी ऐसे ही मिक् कोट की बात उठायी थी और फिर ऐसी बात उठा कर आप देख लेंगे। इबतदाये इश्क है रोता है क्या, आगे आगे देखिये होता है क्या। जो वस्तुस्थिति है उस में कोई गलत तरीका अख्तियार करने की मांग हम नहीं कर रहे हैं। हमारा प्वाइंट यह है कि अगर हमारे कहने का अर्थ श्री मोहन धारिया ने यह समझा * * * तो मैं समझता हूँ कि उन को ऐसा नहीं समझना चाहिए। मेरा यह इंप्रेशन है। क्यों हमारा यह इंप्रेशन बना? इस लिए बना कि डाक्टर लोहिया ने लोक

जजों की राय अगर प्रिविलेज कमेटी की राय से उल्टी है तो उस समय क्या होगा? इसलिए अनावश्यक तैश में आ कर के हम को डरवाने और धमकाने की बात मत करें। जितना हम को कहना था कह दिया, और उस से एक इंच न इधर और न एक इंच उधर हम हो सकते हैं।

अब श्री मोहन धारिया जी जो कुछ कहें और आप जैसा समझें वैसा करें।

THE MINISTER OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI K. K. SHAH) : My hon. friend, Mr. Rajnarain, says that this is his impression. Will you permit allegations to be made against an hon. Member of the House on impression?

SHRI RAJNARAIN : Why not? I will do. Let it go to the Privileges Committee.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : You take your seat.

SHRI K. K. SHAH : It is a recognised privilege of the House that unless you are able to substantiate, you cannot make allegations against the Members of the House.

SHRI MAN SINGH VARMA : Even against the judgment of the Commission, accusations are made here.

DR. S. CHANDRASEKHAR : Sir, there are two issues raised...

श्री मान सिंह वर्मा : कोई नई बात नहीं है यह।

DR. S. CHANDRASEKHAR : Two issues have been raised. The first issue has arisen out of the speech that Shri Rajnarain made the other day commenting upon the Bill which is before the House. And at that time the translation was either inadequate or I just missed the sentence. Later when I came to the House and was going through the proceedings, I marked it and while I thanked him for the support given, I took strong exception to the remarks he made on the Prime Minister, and that issue has now become a matter before

the House. Mr. Dharia has raised it. It is for you to take a decision whether it should go to the Privileges Committee or whether Shri Rajnarain should withdraw it, and that matter is before the House. I will not comment upon it.

The second question before the House happens to be the untimely, unhappy, unfortunate demise of Dr. Lohia. During that time—I would like it to be on record; I have repeatedly said in the House—the Prime Minister more than once sent for me and said that I should do everything in my power to give the best possible medical attention to Dr. Lohia. I would like to recall to the memory of Shri Rajnarain that several nights—at midnight, at 2.00 a.m.—I was awake and put in calls to Moscow, Berlin and London to see whether we could get the most competent authorities to come and spare no efforts and to import the most unavailable drugs, so that we could save Dr. Lohia's life.

Thirdly, in this connection, I would like to mention publicly in this House that the details of the departmental inquiry that was conducted by the Ministry by the seconds, by the minutes, as to how the operation was carried out, the subsequent treatment given and how it did not prove to be successful, all were placed before this House, and Shri Rajnarain knows it very well. It has been raised. I think, half a dozen times; We have answered these questions. But now, after all this lapse of time, if he still insists that there has been carelessness, I must take here the opportunity of defending the doctors who cannot defend themselves before this House. They have done in good faith all that they were capable of doing, and to cast aspersions on them, even on a matter of error of judgment, is rather in bad taste for any hon. Member to indulge in. But if at this stage the hon. Member insists and demands that judicial inquiry should be made into the circumstances of Dr. Lohia's death and it should be presided over by a retired Chief Justice, I have no objection to show that we have nothing to hide in the Ministry or in the Government of India. And the matter is before the House and whatever the House or my senior colleagues wish, we are prepared to do to show our *bona fides* that we have nothing to hide and that everything is quite right.

AN HON. MEMBER : There is no necessity now.

DR. S. CHANDRASEKHAR : I would like Shri Rajnarain not to use the floor of this House indirectly commenting upon this Bill to bring in the revered name of the Prime Minister. Things which have been answered before repeatedly are being brought. In all humility, I may submit to him that this is in bad taste, to say the least. The question of his withdrawing it is before the House, and, Sir, I abide by your decision.

श्री राजनारायण : प्राइम मिनिस्टर को किसी प्रकार से क्षति पहुंच ना या अपमानित करना हम नहीं चाहते और न कोई व्रैड टेस्ट की बात ही है। हम तो यह चाहते हैं कि जो देश में लोगों का और हमारा इम्प्रेशन है प्रधान मंत्री के बारे में वह जुडिशियल इनक्वायरी से साफ हो जायगा। इसलिये इस को घुमा फिरा कर कहने से कोई फ़ायदा नहीं है। एक इम्प्रेशन मुन्क में है जिस को दूर होना चाहिये। जैसा मंत्री जी ने कहा है, मैं इनकी ताईद करता हूं यह अपने चेहरे को साफ़ कर दें, सरकार का चेहरा साफ़ होना चाहिये क्या कि उस के चेहरे पर थोड़ा सी कालिमा लगी हुई है।

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) : श्रीमन्, डा० लोहिया के दुखद देहान्त को दो वर्ष से अधिक बीत चुके हैं। इस बीच में श्री राजनारायण और उन के अन्य कुछ साथियों ने बार बार यह सवाल उठाया। लेकिन सरकार ने यह सही किया कि डिपार्टमेंटल इनक्वायरी की और कोई जुडिशियल इनक्वायरी की मांग मंजूर नहीं की। मुझे अफ़सोस है कि आज डा० चन्द्र शेखर सरकार के उस पुराने फ़ैसले से हिलते हुए नज़र आते हैं।

श्री राजनारायण : यह अच्छा काम कर रहे हैं।

श्री अर्जुन अरोड़ा : एक गलत काम कर रहे हैं। हाउस यह नहीं चाहता है कि इस मामले में कोई जुडिशियल इनक्वायरी हो। इस प्रकार के मामले में जुडिशियल इनक्वायरी होना और खास तौर पर से दो वर्ष बीत जाने के

बाद जुडिशियल इनक्वायरी होना अन्याय होगा उन डाक्टरों के साथ जिन्होंने कि रात और दिन डा० लोहिया की सेवा की, जिन्होंने कि दिन और रात डा० लोहिया को बचाने का प्रयास किया था।

यह कहना कि उन के देहान्त में कोई राजनीतिक कारण था बिल्कुल गलत है। मैं जानता हूँ और मैंने भी उन दिनों डा० लोहिया से थोड़ी सी मित्रता के नाते अस्पताल के दो तीन चक्कर लगाये थे। डा० लोहिया सोशललिस्ट थे और उन का निजी जीवन विशेष उपहार प्राप्त करने वाला जीवन नहीं था। लेकिन फिर भी इस देश के नागरिकों को जो सुविधायें सरकारी अस्पताल में प्राप्त हैं उन से लाख गुनी ज्यादा सुविधायें डा० लोहिया को सुलभ की गयी थी और सरकार के सारे साधन उन के लिये लगाये गये थे।

श्री राजनारायण : श्रीमन्, हमारा प्वाइंट आफ आर्डर है। डा० लोहिया को क्या सुविधायें दी गयीं, क्या नहीं दी गयीं, वह कैसे व्यक्ति थे, समाजवाद को उन को उपहार देना है कि नहीं, इन सब की चर्चा होगी या जो सीधा प्रश्न है, जिस को मंत्री महोदय ने सभ्यता से मान लिया है, उस को अब खत्म किया जाय। और अगर ऐसा विवाद छेड़ा जायगा जैसा कि माननीय अरोड़ा जी उठा रहे हैं तो यह विवाद का सवाल बन जायगा। हम जानते हैं कि सरकार और किन किन लोगों ने कैसे कैसे और किन किन परिस्थितियों में क्या क्या किया। "सच्चाई छिप नहीं सकती बनावट के उभूलों से, खुशबू आ नहीं सकते कभी कागज़ के फूलों से।" इसलिये मैं कहूंगा कि कागज़ के फूल मत बनाओ। मंत्री जी ने उदारता के साथ जो सरकार के चेहरे पर धूमिलता आयी है उस को साफ करने के लिये कहा है कि सुप्रीम कोर्ट के जजों की इनक्वायरी बैठायेंगे, इस को सहज में हमें स्वीकार करना चाहिये।

श्री अर्जुन अरोड़ा : जब एक निहायत लगव प्वाइंट आफ आर उठाया गया इसलिए मैं बैठ गया। यह नदन के नियमों का दुरुपयोग है इस प्रकार के पौइंट आफ आर्डर उठाना डिस्टर्ब करने के लिये।

मैं आपसे प्रार्थना कर रहा था कि दो वर्ष बाद जुडीशियल इन्क्वायरी की बात करना उन डाक्टरों के साथ अन्याय है जो कि जनता की लगातार सेवा करते रहते हैं। मैं चाहता हूँ कि सरकार अपने पुराने निर्णय पर दृढ़ रहे, कि इस मामले में कोई जुडीशियल इन्क्वायरी होने की जरूरत नहीं है और जो डिपार्टमेंटल इन्क्वायरी हुई थी उसमें पूरे वाक्यात सामने आ गये थे और उनमें सिद्ध हो गया था कि डा० लोहिया अपनी मौत मरे, जैसे कि सब मरते हैं, जैसे कि राजनारायण जी भी एक दिन मरेंगे, मैं भी मरूंगा, उसी प्रकार डाक्टर लोहिया मरे, उनकी किसी ने हत्या नहीं की।

श्री पीताम्बर दास (उत्तर प्रदेश) : आप कैसे जानते हैं कि आप अपनी मौत मरेगे या कैसे मरेगे

श्री अर्जुन अरोड़ा : शायद आप अपनी नज़र से मार दोगे।

तो मैं चाहता हूँ कि सरकार अपने पुराने निर्णय पर दृढ़ रहे और गैर-जिम्मेदाराना भाषणों से प्रभावित न हुआ करे।

SHRI DWIJENDRALAL SEN GUPTA : Sir, am I to understand that the Health Minister does not know the problem...

LEADER OF THE HOUSE (SHRI K. K. SHAH) : May I suggest, and I hope my hon'ble friend...

SHRI DWIJENDRALAL SEN GUPTA : Please take your seat. You are the Leader of the House and you should follow decorum. Mr. Vice-Chairman, am I to understand, after hearing Mr. Arora, that when the Health Minister agreed to constitute an enquiry committee he was not conscious about the problem connected with the

enquiry committees? I only understand that Mr. Arora is opposing the constitution of an enquiry committee. If Mr. Arora is not interested in stopping an enquiry he should not have made this statement. Now I would like a categorical statement from the Minister as to the date when he is going to constitute the Enquiry Committee. He has said he has no objection. But that is a negative reply. I should like him to make a positive commitment that there will be an enquiry and by such and such time the personnel of that Committee will be declared.

SHRI K. K. SHAH : My hon'ble friend, Mr. Rajnarain, said that he has no desire to cast an aspersion on the Prime Minister. In view of this statement, I would urge upon you, Sir, to expunge the allegations against the Prime Minister and close the matter.

श्री राजनारायण : श्रीमन्, कोई एक्सपंज करने की आवश्यकता नहीं है, जितना हमें कहना था कह दिया वह चलेगा। मेरा निवेदन यह है...

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Mr. Dharia had referred to certain sentences. The Chair will have to consult the record first and after consulting the record...

SHRI DWIJENDRALAL SEN GUPTA : I want a categorical assurance from the Minister.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Mr. Dharia had raised his objection to, not any sentences uttered during this sitting but, to sentences uttered previously. So we will have to go through the record. The Chair will do it and then give its verdict.

SHRI M. M. DHARIA : Now, Sir, Mr. Rajnarain raised that question just now. While he was speaking, Mr. Rajnarain said that the enquiry is not being instituted because the Prime Minister—
उन्होंने कहा * * *

अगर मेरी हिन्दी गलत है वह मैं समझ सकता हूँ लेकिन जो मैंने सुना वह यही था। अगर यह सही हो तो राजनारायण जी को यह वापस लेना चाहिये। नहीं तो,

***Expunged as ordered by the Chair.

[Shri M. M. Dharia]

Sir, because it is defamatory you have every right to expunge the remarks. If you expunge the remarks now I will not insist. But if the remarks are not expunged, or if they are not withdrawn by Mr. Rajnarain, tomorrow with the permission of the Chair I will raise the issue of privilege.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The Chair will carefully go through the relevant portion and give its verdict.

SHRI DWIJENDRALAL SEN GUPTA : What about the assurance?

श्री राजनारायण : श्रीमन्, मेरा एक प्वाइंट है। जरा आप मुनिये। इस सदन में जो इतनी चर्चा चली है उसका मतलब क्या है। प्रिव्लेज का माने क्या है। प्रिव्लेज, या एक्सपंक्शन या चेयरमैन का माने क्या। जो चीज जब आये, जब हाउस में आये तो उसका फंसला आपको करना है। जरा मुझे सुन लीजिये। मुझे एक मिनट सुन लीजिये। मैं आपको साफ साफ बता दूँ। पता नहीं कि क्यों इन्होंने यह कहा कि मैंने कहा * * * । हमारा यह कहना है, मैं फिर कह रहा हूँ, कि प्राइम मिनिस्टर के पापों का भंडा डा० लोहिया फोड़ते थे। यह हमारी ओपीनियन है। डा० लोहिया का अस्तित्व प्राइम मिनिस्टर के लिये सर्वथा खतरनाक स्थिति थी। * * * । यह इम्प्रेशन है, गलत या सही।

SHRI M. M. DHARIA : Mr. Vice-Chairman, let not Mr. Rajnarain fool this House. The records are there. The tape recorder is there. If I am wrong I shall come before the House and apologise. But if Mr. Rajnarain is wrong he should not only withdraw but apologise. He is running away from the field like a coward. This is not desirable.

श्री राजनारायण : कौन कावर्ड है या कौन नहीं है, मैं जो कह रहा हूँ वह फिर कह रहा हूँ और उसको कहता रहूँगा।

उपसभाध्यक्ष (श्री दत्तोपन्त ठेंगड़ी) : आप बैठिये। I assure the House that the Chair will very carefully go through the relevant portion and give its verdict. Mr. Kulkarni.

SHRI A. G. KULKARNI (Maharashtra) : Sir, I am very happy that today this august House is discussing a very important . . .

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Just a minute, Mr. Kulkarni.

RE SHORT DURATION DISCUSSION ON THE DEMAND FOR NATIONALISATION OF THE SUGAR INDUSTRY

THE VICE-CHAIRMAN (SHRI D. THENGARI) : I request hon'ble Members to co-operate with the Chair in one respect. We have got many names of the hon'ble Members who would like to participate, I understand. But if any one Member or a few Members try to encroach upon the time of others, it would simply be impossible to have the whole discussion in an orderly manner. So I suggest 15 minutes for the mover and 10 minutes for every subsequent speaker.

SHRI A. G. KULKARNI : Sir, with all humility I submit to you that this question was raised through a Calling Attention notice. Members felt it is a very important question and it should be discussed. We then accepted the suggestion made by the Chair. Now, if you are going to limit us for, say, 10 minutes, 5 minutes, 3 minutes or 2 minutes, this cannot be debated. Therefore, you must allow me at least 25 minutes and others 15 minutes each. Let the Minister reply tomorrow, I do not mind, because the Minister can take time. He can digest what the Members have said. This is a very important problem, an all-India problem. Let him reply tomorrow. We are in no hurry. The question is going to affect the agriculturist community of the country. The House will co-operate with you and you also kindly co-operate with us.

***Expunged as ordered by the Chair.