

SHRI AJIT P. K. JOGI: I was listening to him in the Chamber. He has not touched upon the question of the Fifth Schedule and the Sixth Schedule in relation to the tribals. I had mentioned, Mr. Kishore Deo mentioned, and many other speakers also mentioned that the administration of the tribal areas through the Fifth Schedule has proved to be a total failure and totally ineffective. So, we requested you to change it to the Sixth Schedule. All the areas of the Fifth Schedule which are mostly in the mainland, in Madhya Pradesh, Orissa, Bihar, Maharashtra, and Andhra Pradesh should be converted to the Sixth Schedule. On this, the Minister has not expressed any opinion. I would request that he should say something on this.

SHRI K. V. THANGKA BALU: Madam, we all know about this problem. The hon. Member himself and many other Members also spoke to me. We are taking all this into account to see that a proper solution is found out quickly.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): The hon. Minister told me yesterday and this morning also that he would hardly take half an hour to reply. But he has taken nearly one hour and he has covered all the points. And I am sure that all the Members who have participated in this are satisfied with the reply of the Minister.

Now, we will take up the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1994. Shri Paban Singh Ghatowar.

THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL 1994.

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SURI PABAN SINGH GHATOWAR): Madam, I beg to move;

“That the Bill to provide for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration.”

Madam, a Bill to prevent misuse of diagnostic techniques for determination of the sex of the foetus, leading to female foeticide, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, was introduced in the Lok Sabha on 12th September, 1991. It was passed by the Lok Sabha on the 26th July, 1994.

Madam, recently-developed scientific techniques enable pre-natal determination of the sex of the foetus. These techniques, useful in determining genetic disorders and abnormalities of the foetus, are also misused. From time to time, women's organisations, sociologists and prominent members of the public have been urging the Government to take steps to curb this abuse. A conference of medical experts, administrators, voluntary organisations and legal experts in

1987, unanimously recommended that pre-natal techniques tests should be regulated and misuse of test for prediction of sex of foetus should be banned.

The Government of India constituted a Committee under the Chairmanship of the then Health Secretary, Government of Maharashtra, in 1987 to, *inter alia*, go into the details of a comprehensive legislation. On the draft Bill submitted by the Committee, the opinion of the State Governments were sought. Most of the State Governments welcomed the proposal for enactment of a comprehensive legislation.

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill was introduced in the other House with a view to prohibiting pre-natal diagnostic techniques for determination of the sex of the foetus leading to female foeticide. Such abuse of techniques is discriminatory against the female sex and affects the dignity and status of women. A legislation is required to regulate the use of such techniques and to provide for deterrent punishment to stop such an inhuman act. The Bill was subsequently referred to a Joint Committee of Parliament. The Joint Committee elicited public opinion on the Bill and submitted its report to the Hon. Speaker of the Lok Sabha during the 1992 Winter Session of Parliament.

The amended version of the Bill, as reported by the Joint Committee, is placed on the Table of the House.

The salient features of the proposed Bill are as under.

No pre-natal diagnostic tests shall be conducted except for the purpose of genetic metabolic disorders, chromosomal abnormalities, haemoglobinopathies, congenital abnormalities and sex-linked genetic disorders.

Such tests shall be done only at registered centres. The centres will have to be registered with the appropriate authorities at the State-level.

Those who violate the provisions of the Act will be liable for imprisonment up to three years, and a fine up to Rs. 10,000|-

There will be a Central Advisory Board to advise the Government on policy matters and review the implementation of the Act.

Some Members of the Joint Committee wanted that the diagnostic tests should be done only in Government institutions. This was not accepted by the Committee as the Government institutions are already hard-pressed for time. The Bill, therefore, provides for such tests in private institutions also, provided they are registered.

Madam, this Bill has been brought forward as per the recommendations of the Joint Committee. I commend the Bill for the consideration of the hon. Members and subsequent passage with a view to adequately regulating and preventing the misuse of the pre-natal diagnostic techniques and providing for penalties to those who choose to operate contrary to the law of the land. I urge the hon. Members to support the Bill.

The question was proposed.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Shri Ram Gopal Yadav. He is not here.

श्री ईश दत्त यादव : (उत्तर प्रदेश) : वह नहीं है तो हम उसी पार्टी के हैं ।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : आप बोलना चाहेंगे ?

श्री ईश दत्त यादव (उत्तर प्रदेश) :
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आप बोलना चाहेंगे ?

श्री ईश दत्त यादव : दो मिनट,
ज्यादा नहीं।

उपसभाध्यक्ष (कुमारी सरोज खाण्डे) :
ठीक है, बोलिए।

श्री ईश दत्त यादव : मैडम, जो बिल पेश किया गया है, मैं इसका समर्थन करता हूँ और यह बिल जरूरी बिल है, क्योंकि इस देश में इस तरह की परंपरा बहुत दिनों से है। लोक समाज में ऐसी व्यवस्था है और समाज के लोगों की कुछ ऐसी मान्यता रही है कि लड़का पैदा होता है तो खुशियां मनाई जाती हैं, गाने होते हैं, मिठाई बांटी जाती है, दावत होती है और बच्ची अगर पैदा होती है तो लोग मुंह फिरा लेते हैं और शोक मनाते हैं। यह कोई नई परंपरा नहीं है, पुरानी परंपरा लगती है। हमें सकता है कि कुछ अपवाद हों कुछ घरों में, कुछ परिवारों में कि बच्चियों के पैदा होने पर लोग खुशी मनाते हों। लेकिन इतना यह महत्वपूर्ण विषय है और जो भ्रूण परीक्षण होता है, जांच होती है कि गर्भ में बच्चा है या बच्ची है और उसके बाद अगर बच्ची का संकेत मिला तो एबॉर्शन करा दिया जाता है, जो हत्या है, जघन्य अपराध है और मैं समझता हूँ कि हत्या के साथ-साथ उस माँ के स्वास्थ्य और जिन्दगी के लिए भी खतरा पैदा होता है। माननीय मंत्री जी अभी कह रहे थे कि सन् 1991 में यह बिल लोक सभा में पेश हो गया था। इसमें विलंब हुआ है और यह पहले हो जाना चाहिए था। महोदया, इस बिल में जो प्रावधान किए गए हैं या जो व्यवस्था की गयी है, उसको मैं पर्याप्त नहीं मानता हूँ क्योंकि मंत्री जी ने अपने भाषण में भी कहा और इस बिल में भी तीन वर्ष की सजा और 10 हजार रुपए तक का जुर्माना करने की व्यवस्था है। मैं समझता हूँ कि यह कम है। यदि भ्रूण परीक्षण के बाद गर्भ में स्थित शिशु की हत्या या एबॉर्शन कराया जाता है तो यह मर्डर से कम नहीं है और इसके लिए भारतीय

दंड विधान की धारा 302 में प्रावधान किया गया है। साथ ही जो अबेट करता है, वह भी भारतीय दंड विधान की धारा-302 का दोषी होता है। मैं यह तो नहीं चाहता कि भारतीय दंड विधान की धारा-302 में जो मर्डर के लिए सजा है, उस सजा की व्यवस्था की जाए, लेकिन इसके लिए सजा को और थोड़ा कड़ा करने की व्यवस्था होनी चाहिए थी इस बिल में।

महोदया, मैं इस बिल का समर्थन करते हुए अंतिम बात कहना चाहता हूँ कि यह बिल तो पास हो जाएगा, कानून बन जाएगा, लेकिन सरकार का यह प्रयास होना चाहिए, सरकार का यह दायित्व होना चाहिए कि यह जो कानून बन रहा है, उस कानून का कड़ाई से पालन होना चाहिए ताकि भविष्य में इस तरह का कोई जघन्य अपराध न हो सके। इन्हीं शब्दों के साथ मैं पुनः इस बिल का स्वागत कर रहा हूँ, समर्थन कर रहा हूँ। आपने समय दिया, इसके लिए आपको बहुत-बहुत धन्यवाद।

उपसभाध्यक्ष (कुमारी सरोज खाण्डे) :
धन्यवाद यादव जी। श्री डेविड लेजर।

SHRI DAVID LEDGER (Assam):
Madam Vice-Chairperson, I rise to support the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1994.

Madam, I would like to begin by congratulating the hon. Minister for piloting a comprehensive legislation to regulate the pre-natal diagnostic techniques and to prevent their misuse. He deserves to be complimented for displaying the political will to combat one of the most pernicious practices in our society.

Madam, if I may recall, amniocentesis, which is a technique for determination or rather detection of genetic disorders and abnormalities in the foetus, in the child before it is born, came into India in 1975, and the first clinic was set up in Bombay in that year itself. Gradually, more clinics came up in other parts of Maharashtra and in other cities and towns throughout the country.

In course of time, there was misuse of this technique for commercial purposes by unscrupulous doctors, unscrupulous medical practitioners. Today, with rampant misuse of the pre-natal diagnostic techniques to abort the female foetus and with more and more conscientious citizens and more and more women's organisations and voluntary organisations taking up the cudgels against this evil practice in this country, it became imperative on the part of the Government to bring about this legislation. With the female male ratio declining to an alarming level, 929:1000, that is, 929 females against every 1,000 males, this legislation, in my view, could not have been better timed.

Madam, Chapter III of the Constitution of India deals with the right to equality. Article 15 prohibits discrimination on grounds of sex. The article says:

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

We also have a separate Chapter dealing with Fundamental Rights. - Article 51(A) of the Constitution makes it obligatory and mandatory on the part of every citizen to renounce practices which are derogatory to dignity of the women. But I am sorry to say that after half a century of the country's Independence there is still a large-scale discrimination against women in this country. Girls are still regarded as a burden in the family, as a burden in the society. In our society there is still preference for boys as my hon. friend has just said. It is the boys who are given the best of everything and the girls are neglected. The girl, is even deprived of food and proper nutrition. She is even deprived of proper education. There are many parts in this country where a girl child is killed immediately after she is born. This is done with the consent of both the parents. This is done with the constant of the mother, who is also a woman. We have cases where the mother-in-law is forcing the daughter-in-law to abort her

child because it is a female. We have a peculiar situation where a woman is conspiring against another woman, where a woman is trying to prevent the entry of another woman in this world. This is the situation we are faced with today. According to me this is a peculiar mind-set and in my view, this is incomprehensible. I cannot even comprehend the situation. If it is an important social function, it is the man, who has to perform. It is the boy, who has to light the funeral pyre. It is the male priest, who has to conduct the marriage. It is the male priest, who has to perform all the religious rites. This is not only typical of Hinduism this is also typical of every religion, be it Hindu, Muslim or even Christian. My question is why does it always have to be a man, and why can't it be a woman? Why can't there be a change of attitude? We have a family where there are five boys. As my learned friend, Ish Dutt Yadav Ji has just said, if we have five boys everybody is happy and the parents are proud. The village is proud.

हाइस के घर में पांच लड़के हैं, बहुत अच्छा है।

We have another family with two girls and everybody is sad there. Nobody is happy in the house. Everybody is feeling miserable. The mother is rebuked for not being able to give birth to a male child, as if it is in her control. इसके बश को चीज तो नहीं है।

But she is accused. This is the mind-set in this country. This is the inherent bias. This is our psyche.

In the Indian middle-class society, there is an inherent aversion for the girl child. This is the whole scenario, I dare say, is repugnant to the very concept of a civilised society. We have a system in this country which has been going on for ages, which is called "Dowry system", where the family of the girl, the bride, has to give property, sometimes cash, to the groom or his family. If the family is poor and it cannot give dowry, it cannot give the girl in marriage. And if they have

made the mistake of giving the girl in marriage without dowry, the inevitable result is dowry—death. The inevitable result is bride-burning. The Government of India enacted the Dowry Prohibition Act in the year 1961 to deal with this menace. This law has failed to eradicate this evil, even after more than three decades from our society. We still have cases of bride-burning; we still have cases of dowry-death; and this law has proved to be totally ineffective. Madam, that is why I say that any legislation will be ineffective unless there is a change in our approach, unless there is a change in our mind-set, unless there is a change in our attitude. When I say 'change', I not only mean a change in myself or one particular individual. When there is a change it has to be ensured that there is a broad acceptability of this change by the community at large, by the society at large.

The present Bill seeks to regulate sex determination tests and to prevent the misuse of such tests and to check female foeticide, the death of the female child before she is born. It also seeks to put an end to a practice which is discriminatory towards the female sex and which affects the dignity and status of women. I find that the Bill provides for punishment to the medical practitioners, doctors, who violate the law. Section 23 provides for punishment to a doctor who violates the provisions of this Bill, that is, this Bill which is going to be law after it is passed and after receiving the assent of the President of India. It provides for imprisonment up to three years; and a fine amounting to Rs. 10,000/-, for the first offence. And for a subsequent offence, it provides for imprisonment up to five years and a fine amounting to Rs. 50,000/-.

The Bill also provides for the removal of the name of the particular doctor, that erring doctor or medical prac-

itioner, from the register of the respective State Medical Council.

According to me, these punitive measures, these penal provisions, are quite adequate. But, as I have said, penalty alone or punishment alone cannot be the answer to certain traditional evils practised in this country for centuries together. Imprisonment, imposition of fine and de-registration cannot alone be the answer. Creation of public awareness against this evil practice is much more important than punishment. In this context, the role of the Central Supervisory Board which has been envisaged in this Bill assumes the greatest importance. Section 16 of this Bill details some of the functions which the Central Supervisory Board will have to follow. And two of these functions are to create public awareness against the practice of pre-natal determination of sex and female foeticide and to lay down code of conduct to be observed by persons working at Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics.

Madam, I am glad that the Government has taken into consideration this particular aspect relating to social awareness. But unless this clause which relates to code of conduct is very strictly followed up, unless care is taken to see that this particular clause is implemented and code of conduct is being followed by the persons concerned, I do not think it is going to serve any purpose. We all agree—I do not think that anybody will disagree—that mere regulation or prevention, as I have already said, will not serve any purpose. Rather one must be made to realise the evils of the dowry system through education; one must be made aware of the dignity of women; the middle-class Indian society has to be told that girls, after all, are not a burden or a liability. They have to be told that girls are as great an asset as boys, and at times, even greater asset than boys. In this country, we have seen innumerable examples of girls remaining unmarried to take care of their aged parents, which,

even the boys do not do. In this country, we have innumerable examples of girls opting for late marriage because they have to look after their younger brothers, sisters and relations. This is the picture known to all of us. So, it must be realised that there is hardly any difference today between the status of a man and a woman. Today, in this country and elsewhere in the world, women are competing with men in all spheres, in all walks of life—be it education, be it sports, be it government jobs, be it the corporate world, be it administration, be it politics—everywhere we find women competing with men. Madam, this education has to go down, this social awakening is absolutely imperative. Madam, it is against this background that the need for education among women assumes a very significant importance. Madam, we find and the record reveals that the female foeticide, in most cases, results from lack of proper education among women in this country and a research has shown that wherever the literacy rate among women is low, the female-male ratio is also low. The example is Bihar, the example is Haryana. Haryana is one of those States where the female-male ratio is one of the lowest in the country, where we have 865 women against every 1,000 men. If this trend continues, very soon, we will be finding boys offering dowry to the family of girls because there won't be enough girls left for them to marry. This is going to be the situation, this is going to be the emerging picture. On the other hand, we find that wherever there is high literacy among women, the ratio of female-male is higher. The example is Kerala. In Kerala, Madam, we have 1,034 females against every 1,000 males. This, incidentally, is above the national ratio. So, that proves that female literacy is really important.

After saying all this and after reading all the write-ups that have appeared so far in the magazines and the newspapers,

after watching the reaction of the people of the various voluntary organisations and women organisations, I am surprised to say that the medical community is yet to wake up to the situation. I am yet to come across a medical practitioner of renown, I am yet to come across a senior doctor in this country, who has taken serious objection to what his brothers in the fraternity are doing. We are yet to come across that kind of a situation and this, I must say, is quite unfortunate. What, we find; on the other hand, is that doctors are trying to dodge the law. They are trying to thwart the efforts so far made by the various State Governments. This has happened in Maharashtra, Madam, you know it better than me. This has happened in Punjab, this has happened in Gujarat and now, it is happening in Haryana where, of late, a ban has been imposed on sex determination test. The other day, I was reading a report in the "Sunday" which says: "In spite of the ban on sex determination test, in Sirsa town of Haryana, 100 sex determination tests are being conducted, on an average, everyday..." In Sirsa, Haryana, Madam, 100 tests are being conducted and 25 abortions of female foetus are taking place in spite of the ban which has been imposed by the Government of Haryana recently. Madam, what I was saying is, unless there is also an awakening among the doctors, unless there is also an awakening in the entire medical community, in the entire medical fraternity, no amount of legislation, however stringent or drastic, is going to put an end to abortion of female foetus in this country. I am saying this because in spite of the penal provisions, in spite of the stringency of law, there may be doctors who always find a way to do a mischief and get away. Madam, I will give you an example. Suppose a man takes his pregnant wife to a doctor with two intentions. One is to find out whether there is any genetic disorder or abnormality in the foetus and the second is to find out whether it is a girl or a boy. The doctor examines the lady and when he prepares

the report, he will only write that much which relates to the disorder or the abnormality of the foetus. He will not even mention anything with regard to the sex of the foetus. What will he do? He will verbally communicate it to the mother or the father. Now who can stop this? Is there anything in the law, is there anything in the Bill, which can prevent the doctor from doing this mischief? There is no provision, Madam, and, may I say, it is not possible to prevent such a thing, except by appealing to the good sense of the doctor. Who is going to check him? Who is going to stand near him and see? So, this is the situation we have to deal with.

Madam, what I was saying is this much only, unless we wake up to the situation, all of us,—“we” means “all of us”, “doctors, non-doctors, those who are in the medical profession, those who are outside the medical profession”—unless of us wake up to the situation, to this horrible scenario, this scientific technique, known as ‘amniocentesis’ this technique of pre-natal determination of sex or detection of genetic disorders and abnormalities in an unborn baby in the mother’s womb, which came into this country two decades ago, instead of proving a boon to the Indian people, will end up as the worst curse, will end up as a nightmare for the women in this country and it will prove immensely detrimental to the society.

Madam, before I conclude, may I say that female foeticide is not a disease? Female foeticide through sex-determination test, killing of these babies is not the real disease. It is only a symptom of the disease. The real disease is social prejudice which has been prevalent in this ancient land of ours for generations together, for centuries together. The real disease is the social abuse of women, the social degradation of women. The real disease is the mindless discrimination against women in this country. Unless we get rid of this disease, no legislation, no amount of legislation, however strict or however stringent, can change the situation.

Madam, I wish this new legislation every success and I thank you for giving me the opportunity to put across my views.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Thank you, Mr. Ledger Smt. Urmilaben Chimanbhai Patel.

SHRIMATI URMILABEN CHIMAN-BHAI PATEL (Gujarat): Thank you, Madam, for giving me the time to speak. In the beginning I would like to move the amendments.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): No, no, Mrs. Patel, please move it at the time of clause-by-clause consideration.

SHRIMATI URMILABEN CHIMAN-BHAI PATEL: I will give my speech and then I will move the amendment.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mrs. Urmilaben, you will have to move the amendment at the time of the consideration of the clauses. Before that you have to make your speech. At the time of consideration of the clauses we will see to it.

SHRIMATI URMILABEN CHIMAN-BHAI PATEL: Madam, the Prenatal Diagnostic Techniques Bill यह जो बिल लाया गया, इसके लिए मैं मंत्री जी को धन्यवाद देना चाहती हूँ। हमारे समाज में दस्त्रियों के प्रति जो बर्ताव किया जाता है इसके बारे में ज्यादा बहस की कोई जरूरत नहीं है, सबको यह बात मालूम है। हमारे समाज में जो महिला वा स्टेट्स है, वह सैकंडरी दर्जे का है। समाज में पुरुष का जो स्थान है वह स्थान महिला को नहीं दिया गया है, हमेशा महिला को इग्नोर किया जाता है, उसकी राय को कोई महत्व नहीं दिया जाता है और सभी महत्व के निर्णयों के बारे में महिला को टेकन फॉर ग्रॉण्टिड और पुरुष के अभिप्राय में महिला के अभिप्राय का समावेश किया जाता है। उनका अलग अभिप्राय है, ऐसी स्वीकृति समाज ने अभी तक नहीं दी। आज डिस्क्रिमिनेशन मेकिंग नीति के बारे में जो महत्व के निर्णय

लिये जाते हैं—यह निर्णय कुटुम्ब में लिये जाते हैं, समाज में लिए जाते हैं और राजनीतिक तौर पर लिये जाते हैं, तो डिस्क्रिजन मेकिंग प्रोसेस में महिलाओं का भी स्थान होगा चाहिए—यह आज के जमाने की मांग है। लेकिन हम जानते हैं कि हमारी मांग एक है और समाज का जो ढांचा है, समाज के जो रीति रिवाज हैं, वह अलग हैं। स्त्री-पुरुष के प्रति व्यवहार का बल स्टैडर्ड हमारे समाज में है और जो अन्याय-अत्याचार होते हैं, इनसे तंग आकर हमारे समाज में आज भी कई जगह ऐसी हैं जहां लड़की को जन्म के साथ गला घोटकर मार दिया जाता है। इस रिवाज को हमारी गुजराती में हम... करने का रिवाज करते हैं। मुझे नहीं मालूम, इस तरह के समाज में उसको कैसे एक्सप्रेस किया जाता है लेकिन जब लड़की का जन्म होता है। तो उमा गला घोटकर या उसको पानी में डुबोकर, किसी भी तरह से मार दिया जाता है समाज में लड़की के प्रति जो उनका बिहेवियर है, जो बताते उनका लड़की के साथ होता है। उससे माता-पिता कितने तंग आ गये होंगे कि यह प्रथा इस समाज में विकसित हुई। लड़की बड़ी हो और सुसुराल में जाए और उसके बाद उसके प्रति अन्याय और अत्याचार हो, उसकी पूरी जिन्दगी दुख से भरी हो, इससे तो अच्छा है कि लड़की की जन्म के साथ ही मृत्यु हो जाए। मां होते हुए भी अपनी बच्चों का गला घोटना उसको ठीक लगता है। कोई भी मां ऐसी नहीं होती कि जिसको लड़का पसंद हो, लड़की पसन्द न हो पर समाज का ढांचा इस प्रकार का है, समाज का व्यवहार, समाज के रीति रिवाज इस प्रकार के हैं कि जिनसे तंग आकर मां को यही अच्छा लगता है कि वह अपनी बच्ची का गला अपने हाथ से घोट दे। तो यह हमारे समाज की परिस्थिति है और यह भ्रूण हत्या का जो प्रीनेटल डाइग्नोस्टिक टेक्नीक आज कल प्रचलित हुई है तो शायद जन्म के बाद बच्चों को मार देना, इस से अच्छा है भ्रूण को मार दो ऐसी मान्यता से माता पिता दोनों सहमत हो कर जातियों की जांच कराने डाक्टरों के पास जाते हैं। सही बात है कि यह बिलकुल ठीक नहीं है। जितना बच्चे की हत्या करना

खराब है उतना ही भ्रूण की हत्या करना है। पाप पुण्य की बात में न भी जाए तो भी यह हकीकत है कि भ्रूण हत्या एक प्रकार का अत्याचार ही है और इस को प्रति-बंधित करना कानून द्वारा जरूरी है और उसके लिए यह कानून लाया गया है। इस के लिए मंत्री - श्री को मैं धन्यवाद जरूर देना चाहूंगी। लेकिन हमारे कुछ माननीय सदस्यों ने बताया कि केवल कानून ही इस का इलाज नहीं है। हमारे समाज का जो ढांचा है उस को बदलना चाहिए। एक तरफ हम मानते हैं कि स्त्री माता है, मातृदेवो भवः कहकर उस की पूजा करते हैं, उसको पूजाघर में बैठाकर पूजा अर्चना करते हैं, सम्मान करते हैं, पत्नी सहधर्मिणी हो कर उस का मान सम्मान करते हैं और दूसरी तरफ उसके ऊपर जो सामाजिक व्यवहार रोज व रोज होता है वह अलग प्रकार का है यह सब हम जानते हैं। हमारे समाज में महिलाएं पूरे दिन मेहनत करती हैं, ने कुटुम्ब के लिए सवेरे से रात तक म करती हैं। जो आदिवासी और पिछ वगं की महिलाएं हैं वे खेती में भी म करती हैं। आजकल की पढ़ी लिख महिलाएं आर्थिक जवाबदारी में पुरुषों से बंटवारा करती हैं, चाहे नौकरी करती हैं, चाहे बिजिनेस करती हैं, चाहे अपने घर को भी संभालती हैं। एक साथ दो-दो तीन-तीन जिम्मेदारियां लेकर महिलाएं काम करती हैं। लेकिन उन का ऐंप्रिग्रियेशन नहीं होता है। पाश्चात्य समाज में महिलाएं जो घर में काम करती हैं उनका इन्वेल्युएकशन होना चाहिए, ऐसा मूवमेंट चल रहा है। हमारे समाज में महिलाओं को आर्थिक लाभ के बारे में अलग रखा जाता है। वह अपने कुटुम्ब के लिए जो काम करती है, पति की आमदनी कितनी भीफिंग आप के पत्नी फरियाद नहीं करती है हो, कभी घर का खर्चा किस तरह से चलेगा। पति से जितना भी मिलत है उतने में ही वह घर की गुजर चला ती है। कहीं कहीं तो पतिदेव काम भी नहीं करते हैं, पत्नियां काम करती हैं। लही एक डिस्कशन में हमारे चिन्नों साथ चर्चा हो रही थी कि आदिवासी माज में दो तीन तीन, चारचार पत्नियां रखी जाती हैं। इस का कारण यह है कि महिलाएं कमाती

हैं, खतों में काम करती हैं। दो तीन आदमी अगर खेत में काम करने के लिये लगाए जाएं तो उन को मजदूरी देनी पड़ेगी। यदि दो तीन पत्नियां रखी जाएं तो वह घर का भी काम करेंगी, खेत का भी काम करेंगी और उन को मजदूरी भी नहीं देनी पड़ेगी। तो मजदूरों को मेनटेन करने से अच्छा है कि एक पत्नी और ले ली जो तनख्वाह भी न ले और मेहनत भी करे। तो जो पत्नी काम करती है घर के लिए त्याग करती है, जो वह सहन करती है, जो वह समर्पण करती है, समाज ने उसकी क्या कीमत की? उस की कोई कीमत समाज नहीं रखता है। उस को : कोई ऐशियेशन नहीं है। कोई उसकी कद्र नहीं होती है। लेकिन उसको घर वाले, उस के ससुराल वाले फिर भी उस का मान-अपमान करते हैं, उस को दुखी करते हैं। क्या लाई दहेज में इस की बे गिनती करती रहती है।

श्रीमती उर्मिला चिमनभाई पटेल (क्रमागत) : और उनको कम पड़ गया तो घर से निकालते हैं, उसके साथ मार-पीट करते हैं, कहते हैं कि पीहर जाओ और अपने मां-बाप से हमारे लिए स्कूटर लाओ, रेडियो लाओ, टी.वी. लाओ, फ्रिज लाओ। उन पर अत्याचार भी दिन प्रतिदिन बढ़ते जा रहे हैं। जैसे-जैसे समाज का विकास हो रहा है, अवैधरूप से बढ़ती जा रहा है, सुसंस्कृत हम कहलाने लगे हैं, वैसे-वैसे ससुराल वालों की डिमांड भी बढ़ती जाती है। जितनी बड़ी फेमिली उतना दहेज ज्यादा लाओ। एक प्रस्टेजियस बन गया है कि बहू दहेज कितना लाई समाज को बताने के लिए। जिस कुल-बधु को अपने घर में लाये हैं उसके प्रति ही अत्याचार होते हैं? हमारे समाज की यह परिस्थिति है जिसमें महिलाओं का अपमान ही होता है। दिन प्रतिदिन महिलाओं की समस्याएं बढ़ती जा रही हैं। हमारे यहां संविधान में महिलाओं को समान दर्जा दिया गया है। यह कांग्रेस की डेन है बिना एजिटेशन के महिलाओं को यह अधिकार मिले। लेकिन जो हमारे समाज में परिवर्तन आना चाहिए वह परिवर्तन आज तक नहीं आया। अत्याचार बढ़ते जा रहे हैं।

[उपसभापति पीठासीन हुई]

इसके साथ-साथ सेक्स एक्सप्लायटेशन भी होता है। अगर काम करने वाली महिलाएं किसी आफिस में काम करती हैं तो उनको बांस की भी खुश रखना पड़ता है, यह उनकी ड्यूटी में माना जाता है। एक अच्छे पद पर काम करने वाली महिला अपनी शिकायत कर रही थी। उसने कहा कि मैं आफिस में काम कर रही थी तो मेरे बांस ने बुलाकर कहा आपको शाम को मेरे साथ घूमने जाना पड़ेगा। उस महिला ने कहा यह मेरा काम नहीं है। 6 बजे के बाद मेरी छुट्टी हो जाती है, आफिस टाइम पूरा हो जाता है। बांस ने कहा आपको किसी ने समझाया नहीं कि बांस को राजी करना भी पी०ए० की ड्यूटी में आता है। यह स्थिति हमारे समाज में चल रही है। सेक्स एक्सप्लायटेशन हो रहा है। कहीं-कहीं लाचारी के कारण काम करना अनिवार्य हो जाता है।

SHRI VAYALAR RAVI (Kerala):
Madam you must have seen the newspaper report that in Bombay, some women folks beat up a high Government official who harassed them.

THE DEPUTY CHAIRMAN: I am not going to implement it in this House.

श्रीमती उर्मिला चिमनभाई पटेल : सेक्स एक्सप्लायटेशन इस तरह से कई जगह होता रहता है। कहीं-कहीं फोर्सफुली, अपनी आर्थिक परिस्थिति के कारण, अपने घर को मेन्टेन करने के लिए, मजबूरन काल गर्ल जैसे धंधे में महिलाओं को जाना पड़ता है। मैंने पहले भी एक दफा हाउस में उल्लेख किया था कि हमारे समाज में आज भी ऐसी कम्युनिटी है जो अपनी लड़की को प्रोस्टीट्यूट बनाने के लिए भेजती है। यह वहां का एक रिवाज है। कहीं देवादासी के नाम से जानी जाती है और गुजरात में एक गांव है, नाम बताने में मुझे कोई हर्ज नहीं है, उसका नाम है, वाडिया। एक सरोडिया

कम्युनिटी है इसकी लगभग 400-500 की आबादी है। इसकी लड़की जब 15 साल की हो जाती है तो यह उसको प्रोस्टीट्यूट के काम में लगा देते हैं। यह सरोडिया कम्युनिटी राजस्थान में भी है। वहां पर भी यह रिवाज है। यह सब क्यों करना पड़ता है। ऐसा रिवाज क्यों है? अपनी कुलवधू को तो नहीं भेजते। उनको तो वंश्या नहीं बनाते। किसी के साथ अपनी बहू को नहीं भेजते, लड़की को ही भेजते हैं। यह रिवाज आज भी हमारे समाज में प्रचलित है। उसका कारण यह है कि स्त्री और पुरुष दोनों के बीच में जो भेद है, स्त्री के प्रति जो व्यवहार किया जाता है, इस व्यवहार में परिवर्तन की मांग हो रही है। उनकी कमनसीबी तो यह है कि अगर समुराल में लड़की को कोई तकलीफ होती है, समुराल वाले उससे और मांग करते हैं, उसके साथ गारपीट करते हैं और घर से निकाल देते हैं, तो वह माता-पिता के घर वापिस आ जाती है। लेकिन हमारा जो सामाजिक शंका है, इसमें यह मान लिया जाता है कि लड़की समुराल में ही अच्छी लगती है। अगर वह मां-बाप के घर वापिस आ जाती है, तो मां-बाप उसकी परिवार की शर्करा का तकाजा देते हैं और सम्झा-बुझा कर वापस भेज देते हैं कि तुम अपने घर जाओ। अगर उसके बाद वही चीज रिपीट हुई तो वह फिर वापस आ जाती है और मां-बाप उसको डांटते हैं कि क्या बार बार यहां आ जाती हो, ऐसा मत किया करो। इससे कुटुम्ब को प्रतिष्ठा कम होती है। अगर ऐसा होता रहेगा तो तुम्हारी बहनों के साथ कौन शादी करेगा। अगर तीसरी बार भी ऐसा होता है तो लड़की वापस अपने मां-बाप के घर नहीं जाती है, माता-पिता के पास जाने के बजाय वह ईश्वर के पास जाना ज्यादा पसन्द करती है और अपनी जिन्दगी समाप्त कर लेती है, आत्महत्या कर लेती है। तो इसके लिए जितने जिम्मेदार लड़की के समुराल वाले होते हैं, उतने ही जिम्मेदार उसके माता-पिता भी होते हैं। यह भी हमें स्वीकार करना चाहिये। समाज में बेल्यूज हैं, समाज में जो माय्यतायें

है समाज में जो स्टैण्डर्ड हमने बनाये हैं इन्हें बदलने का समय आ गया है। अगर आप यह नहीं करेंगे, तो फिर आप यह नहीं करेंगे तो फिर आप ऐसे कितने ही कांवे कानून बनायें इनसे, समाज में कोई फर्क पड़ने वाला नहीं है।

हमारे समाज में की एक और कम-नसीबी यह है कि जब जब महिजुय ऐसी परिस्थितियों में आ जाती है, तो उनका लेक्चर एक्सपॉइटेणन होता है। कमी कमी उन पर बल-पूर्वक किया जाता है। इसका करने वाला पुरुष होता है, लेकिन पुरुष के चरित्र पर कोई दाग नहीं लगता है और स्त्री बदनाम होती है। स्त्री समाज में बदबजन मानी जाती है और समाज उसके प्रति कोई सहानुभूति नहीं रखता। इसके कारण जो भी पता भुगतना पड़ती है, वह स्त्री को भुगतनी होती पड़ती है और पुरुष को इसके लिये जिम्मेदार ठहराना यह समाज जहरी नहीं मानता है। पुरुष हमेशा शुद्ध रहता है, और सभी गलतियां, सभी दोष महिलाओं के ऊपर लगाये जाते हैं। बच्चा नहीं हुआ तो तब भी बहनों को बदनाम किया जाता है। अगर लड़की हुई तब भी उसको बदनाम किया जाता है। हम सब जानते हैं कि गर्ल चाइल्ड हो या मेन चाइल्ड हो, लड़की हो या लड़का हो, इसकी जिम्मेदारी ज्यादा पुरुष की होती है। लेकिन यह जानते हुए भी अगर लड़की होती है, तो उसका जिम्मेदार स्त्री को माना जाता है और उसको अपमानित किया जाता है, उसको डांटा जाता है। यह सब जो है यह महिलाओं को सहता पड़ता है। कोई पुरुष को कुछ नहीं करता है।

उप-प्रश्नोत्तर: डैकिनेटजी उसकी होती है, त्रिकाउज जैनेटिकस में प्रूव हुआ है।

श्रीमती उर्मिला चमनभाई पटेल : गलती पुरुष की होती है और महिला को सुनना पड़ता है।

उपस्थापित : गलती उसकी भी नहीं है। क्रोमोसोम की गलती है, एक्स-वाई का जम प्राबलम होता है।

श्रीमती उमिषा चिमनभाई पटेल : पुरुष के क्रोमोसोम जिम्मेदार हैं। लेकिन जब सेक्स डिटरमिनेशन होता है तो उसकी जिम्मेदारी महिलाओं पर डाली जाती है। ऐसे में बहुत किरसे बना सकती हूँ जिससे समाज में डिस्क्रीमिनेशन होता है और स्त्रियों को इस तरह की बातों को सहन करना पड़ना है। इस प्रवृत्ति में परिवर्तन लाने की जरूरत है। अगर यह नहीं करेंगे तो यह ग्रुप नियंत्रण कानून आप यहां से पास करके लागू भी कर दें, लेकिन इससे कोई फर्क पड़ने वाला नहीं है। अगर मेंटलिटी नहीं बदली गई तो गैर कानूनी भ्रूण हत्या का काम चालू ही रहेगा। हमारे माननीय सदस्य ने बताया कि आज तो न्यूजपेपर्स में एड-वर्टाइजमेंट भी आते हैं कि सेक्स डिटरमिनेशन करवाना चाहते हैं तो 100 रुपये में, 150 रुपये में, इतना चीप हमारे यहां यह काम हो जाता है, यह काम हम सस्ते में कर रहे हैं। अगर इसको कानून का स्वरूप दिया गया तो प्रोब्लम यह आयेगा कि कायदे से भ्रूण हत्या नहीं होगी लेकिन गैर कानूनी तौर पर यह काम चालू रहेगा। आज जिस काम के लिये डेढ़ सौ रुपये में लोग एडवर्टाइजमेंट करते हैं, इस कानून के बन जाने के बाद यह लोग माता-पिता से पांच, दस या पंद्रह हजार रुपये कलेक्ट करने लगे। इससे एक और एक्सप्लायटेशन करने का मार्ग खुल जायेगा। यह बात भी आपको ध्यान में रखनी चाहिये और इसके लिये भी कुछ प्रोविजन आपको कानून में काना चाहिये। लेकिन यह बहुत

मुश्किल बात है क्योंकि भ्रूण के बारे में कोई भी लिख कर नहीं बतायेगा, सब मौखिक रूप से बतायेगे। हमारे पास कोई मार्ग नहीं है कि इसके ऊपर हम चेक कर सकें। यह बहुत ही महत्व की बात है। दूसरी बात में यह बताना चाहती हूँ कि इस कानून में अकेले जो फिजिकल हैजार्ड हैं, जो डिजीज हैं, उसके बारे में ध्यान रख कर कुछ छूट दी गई है। यह तो बहुत जरूरी है। इसमें कोई शंका का स्थान नहीं है। लेकिन यह जो सोशल और साइकलोजिकल हैजार्ड महिलाओं को सहन करना पड़ता है, इसके बारे में कोई प्रोविजन यहां नहीं रखा गया है। हमारे समाज में कई छोटी उम्र की लड़कियों पर भी अत्याचार होते रहते हैं। कोई बाहर वाले तत्व ही अत्याचार करते हैं, ऐसी बात नहीं है। कभी-कभी कुटुम्ब में भी लड़की का मिसजून होता रहा है। उसका सेक्स एक्सप्लायटेशन हुआ या नहीं हुआ, कोई जानता भी नहीं है। आप जानते होंगे, अभी थोड़े दिन पहले न्यूजपेपर में एक रिसर्च आर्टिकल छपा था जिसमें पांच पड़ताल कर के उन्होंने बताया है कि जो 18 साल से कम उम्र की लड़कियां हैं उनमें 70-75 प्रतिशत लड़कियों का सेक्स एक्सप्लायटेशन होता है। लेकिन कुटुम्ब में ही होता है। कहीं पिता जिम्मेदार है, कहीं भाई जिम्मेदार हैं, कहीं और रिप्लेटिव जिम्मेदार हैं, कहीं कोई मित्र जिम्मेदार है। यह बात कोई किसी से कहता नहीं है। लड़की को खुद इतनी छोटी उम्र में मालूम भी नहीं होता। कहीं कहीं तो 10 साल से नीचे की उम्र वाली लड़कियों के साथ यह व्यवहार किया जाता है। यह किसी को मालूम नहीं होता है। अगर मालूम हो गया तो तो भी इससे मां-बाप को लगता है कि यह बात अगर लड़की को समझाई गई तो इससे लड़की के माइंड पर ज्यादा एडवर्स इफेक्ट होगा। अगर

हमारे समाज में किसी ने सुन लिया तो इससे उसकी शादी का प्रोब्लम हो जायेगा। यह बात उनके कुटुम्ब वाले दबा कर रख देते हैं लेकिन यह बात सच है कि इतने बड़े पैमाने पर कहीं कहीं एक बार, दो बार, तीन बार लड़कियों के साथ बुरा बर्ताव किया जाता है। ऐसी परिस्थिति में मैं यह भी कहना चाहती हूँ कि माइनरों के ऊपर जो कोई ऐसा बर्ताव, सेक्स एक्सप्लायटेशन का कोई भी प्रसंग हुआ हो तो ऐसे केसेज में अगर उसके साथ ज्यादा कोई नुस्तानी हुई हो और वह गर्भवती हो तो यह गर्भ निकालने की पूरी इजाजत होनी चाहिये। माइनर लड़की अगर प्रेगनेट हो जाए तो उस गर्भ को निकालने का प्रावधान भी होना चाहिये।

हमारे समाज में जो विधवा स्त्री हैं, उसका स्थान भी बहुत नीचे है। महिला का तो है ही लेकिन विधवा को कोई अधिकार नहीं रहता है, न खाने का अधिकार है, न पीने का अधिकार है, न बाहर जाने का अधिकार है, न अच्छा कपड़ा पहनने का अधिकार है। उसका काम तो घर में मजदूरी करना, घर के सब लोगों को राजी करना होता है। आप यह भी जानती होंगी कि ऐसी विधवा महिलाओं को कुटुम्ब वाले ही एक्सप्लायट करते हैं—उनका देवर हो, जेठ हो या ससुर हो। अगर कुछ कम्प्लेंट करें, प्रोटेस्ट करे तो घर की बड़ी उम्र की महिलायें, उसकी सासु तथा और भी रिश्तेदार कहेंगे कि यह क्या बात है, तू घर की आवरू बाहर क्यों निकाल रही है। इसी तरह से महिलाओं का रोज एक्सप्लायटेशन होता है। बाहर के लोग भी भी अकेली विधवा को देखकर उसके मजाक करेंगे, मसखरी करेंगे और तंग करेंगे। उसके अकेलेपन का फायदा उठाने का काम करेंगे। अगर कोई विधवा प्रेगनेट हो गयी, उसको बच्चा होने वाला है यह समाज ने जान लिया तो वह घर से बाहर निकलकर मुंह नहीं दिखा सकती। इसको कुएं में जाकर गिरना पड़ता है, अपनी जात डालकर जिन्दगी खत्म करनी

पड़ती है। ऐसी महिलाओं के लिये भी ध्रुण परीक्षण की व्यवस्था होनी चाहिये। अपना जो गर्भ है उसको निकाल करने की मुक्ति उनको दी जानी चाहिये। ऐसी ही दूसरी बात रेप केसेज में है। जिन केसेज में महिलाओं को उठाकर ले गये। उसका मिसजुज किया और छोड़ दिया। इसमें क्वैरी महिलाएं भी होती हैं, शादी-शुदा महिलायें भी होती हैं। अगर ऐसे केसेज में महिलाएँ प्रेगनेट हो गयीं तो समाज को एक्सेप्टेबुल नहीं है। कभी-कभी उनके पति को भी एक्सेप्टेबुल नहीं है। व जानते हैं कि उनके ऊपर बलात्कार हुआ है। इसकी कोई जिम्मेदारी नहीं है। कभी-कभी तो पति की हाजिरी में भी होता है। लेकिन उसके पेट में बच्चा पराये पुरुष का है तो वह किसी को एक्सेप्टेबुल नहीं होता। खुद स्त्री को जो आदमी अपना पसन्द का नहीं है उसका बच्चा अपने गर्भ में पले, यह पसन्द नहीं। उसके जन्म के बाद उसकी पालना करना स्त्री को बिल्कुल पसन्द नहीं। ऐसे में जो साइकोलोजिकल टेंशन उसको होते हैं यह भी एक बहुत बड़ा हेजार्ड है। जो अनवांटेड चाइल्ड है जो पराये पुरुष के बलात्कार से हुआ चाइल्ड है तो स्त्री कभी भी उसको रखना नहीं चाहती या उसके पोषण करने की जिम्मेदारी नहीं लेना चाहती है तो ऐसे रेप केसेज में ऐसी छूट होनी चाहिये कि ध्रुण परीक्षण करके उसका निकाल कराया जा सके। यह लड़की हो या लड़का कोई बात नहीं है। यह लड़की हो या लड़का लेकिन यह बच्चा एक्सेप्टेबुल नहीं होता है। तो ऐसे केसेज में छूट देनी चाहिये। यह बात मेरी कथनी में मैं आपको कहना चाहती हूँ।

इसके साथ साथ दो तीन और बातें हैं जो सामाजिक परिवर्तन के सदर्भ में मैं अर्ज करना चाहती हूँ। हर एक महिला को अपने को बच्चा चाहिये या नहीं चाहिये, एक बच्चा चाहिये या दो बच्चे चाहिये यह तय करने का उसको अधिकार होना चाहिये। मातृत्व महिला का अधिकार है और उसके कर्षण के

बिना स्त्री को माता बनने को कोई भी, उसका पति हो या कुटुम्ब वाला हो या पराया व्यक्ति हो, फोर्स नहीं कर सकता है।

ऐसी ही दूसरी बात मैं बताना चाहती हूँ कि Motherhood should be respected in any form. अगर स्त्री अपने आपको माता बनाना चाहती है और उसके पेट में बच्चा है तो उसको माता बनने का अधिकार है। तो समाज के रीति-रिवाज में ऐसा परिवर्तन होना चाहिये। हमारी दृष्टि में यह परिवर्तन होना चाहिये कि माता एक माता है। उसकी रिस्पेक्ट करके उसको कायदे कानून और रीति-रिवाज के मुताबिक मातृत्व को एक्सेप्ट करना चाहिये। रशिया ने मदरहुड एक्सेप्ट करके अपने समाज में वैश्ववृत्ति और सेक्स एक्सप्लायटेशन को नैस्तानाबद किया है। इसके बारे में भारत और विश्व के सभी समाजों को सोचना चाहिये।

तीसरी बात मैं कहना चाहती हूँ कि बच्चे के पीछे जो पिता का नाम लिखा जाता है इसके बजाय माता का नाम लिखना चाहिये। आज कोई माता जिसने शादी नहीं की है फिर भी अपना ध्रुण रखना चाहती है, बच्चे को जन्म देती है और स्कूल में एडमिशन दिलाने जाती है तो टीचर पूछेगा। अपने बच्चे के पिता का नाम लिखाओं। तो वह कहना नहीं चाहती क्योंकि यह लीगल मैरिज से तो नहीं हुआ है। वह कहेगी कि मेरा नाम लिखदो मेरे बच्चे के पीछे। लेकिन शिक्षक कहेगा पिता का नाम नहीं बताओगी तो एडमिशन नहीं मिलेगा। तो स्कूल में एडमिशन नहीं मिलता है। जो हिम्मत से माता पिता अपना गर्म रखना चाहती है, ऐसी माता को अपने बच्चे को पढ़ाने का अधिकार उसके पास से समाज छीन लेता है। अगर कोई अच्छा शिक्षक हो और एडमिशन दे दिया तो भी तफलीफ होती है कि यह तो

माता का नाम लिखवाता है। उसके क्लासमेट्स उसको मजाक-मसखरी करने लगते हैं कि तेरा पिता कौन है। कोई जानता नहीं है कि तू किसका बटा है। लावारिस बच्चा है। ऐसी मजाक-मसखरी भी समाज में होती है हरेक बच्चे के पीछे अगर माता का ही नाम लिखा जाए और बच्चे पर माता का ज्यादा अधिकार होता है, तो अगर माता का नाम लिखा जाये तो ये सब कंफ्लैट्स समाज में से निकल जायेंगी। एक ट्रेडिशन अगर यह बदली जाए, यह पूरा समाज का ढांचा बदलने के लिये यह आज हमारा काम नहीं है लेकिन इसके लिये हमारे जैसे जिम्मेदार हाउस को एक पब्लिक ओपीनियन भिंट करके भी काम करना चाहिये। इस हेतु से मेरे जो सुझाव हैं कि वह समाज के लिये, विचार के लिये, चर्चा के लिये और समाज में पब्लिक ओपीनियन क्रिएट करने के लिये मैं यहां रखती हूँ मैडम, मैंने आपका बहुत समय लिया है, ज्यादा टाइम लेना नहीं चाहती हूँ। यह जो यहां प्रीनेटल डायग्नोस्टिक टेक्नीक्स का जो रेजोल्यूशन यहां लाया गया है उसको मेरी पूरी-पूरी सपोर्ट है, फिर भी मैं यह कहना चाहती हूँ कि इसमें सोशल व्यू प्वायंट से, साइकोलोजिकल व्यू प्वाइंट से महिलाओं को न्याय दिलाने के लिये और उस पर अत्याचारों का प्रतिकार करने की शक्ति लेने के लिये यह सुझाव मंत्री जी उसको एक्सेप्ट करें। मैं सदर-ए-हाउस, सभी सदस्यों को विनती करती हूँ कि आप सब सपोर्ट करें और सर्वानुमति से यह अमेंडमेंट पास करें। इतनी मैं रजुआत करती हूँ, अमेंडमेंट्स की रजुआत फिर से आफिशियली करूंगी, लेकिन मेरा जो विचार है वह मैंने आपके सामने रख दिया है।

आपने मुझे यह टाइम दिया इसके लिये माननीया अध्यक्षश्री का मैं आभार मानती हूँ।

SHRI VAYALAR RAVI: Madam Deputy Chairperson, I support this Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1994. This has been pending for the last two or three years. And the hon. Minister was eager enough to get it passed in the Lok Sabha and to bring it to this House.

Madam, this tendency to have pre-natal diagnostic tests is an ugly offshoot of the urban affluence. This is not in practice in the rural areas. The poor people do not know what exactly it is. And because of the changing social scenario in the country and a kind of ugly exhibition of wealth by the affluent urban population, this kind of tendency is spreading. Madam, everyone of us knows or believes that motherhood is the most sacred sentiment of every human being in this country. That is the inherent culture, that is the belief of every family. But, unfortunately, today this tendency is coming to this country, specially because of the so-called westernisation. Today, I have seen an advertisement in the newspaper with a big sketch of a mother, breast-feeding her child. And today we have to go in for a campaign for breast-feeding. We have come to such a stage that the Government or the other agency has to take it up as a propaganda measure to enthrone the mother that she must resort to breast-feeding. That situation is very pathetic in this country.

Madam, this pre-natal diagnostic test is a social evil. This kind of so-called westernisation is creeping into the Indian culture. This has to be prevented. I hope, this kind of legislation can check this tendency to an extent. Coming to the Bill, Madam I have some suggestions to make.

There is a provision made in the Bill, in Chapter IV, for constituting a Central Supervisory Board. It is said here that the Chairman of this Board would be the Minister in charge of the Ministry or Department of Family Welfare. Madam, I would like to point out that the

Minister has to do a lot of other work. This is a Supervisory Board, I do not know what the Minister can do here. The Minister may not be able to find time either to preside over the meetings of the Board, or, to study the various reports. It would only mean that you are again having a sort of bureaucratic control over this Board. This way, the demagogue again having a sort of bureaucratic control maintained. Of course, provision has been made for appointing eminent persons from the various disciplines of the medical profession as well as associating with the Board Members of Parliament and others. But I believe this whole body, this Supervisory Board, should be free from any kind of Government control. If you provide here that the Chairman would be an eminent person in the field, it is okay. But it is not advisable to make the Minister as the Chairman of this Board. Then, the Board may not be an effective body. The Act itself provides that the Board shall meet at least once in six months. It would mean that there would be two meetings in a year. According to the law, the Minister would find it convenient to preside over just two meetings in a year. I do not think this is the purpose intended. If you want to make this Board an effective body, an effective institution, I believe it should be free from any sort of Government control. Therefore, I say the Minister should not be the Chairman. It could be anybody else. It could be some eminent person, as I said. This is one thing I wanted to suggest.

Then, in regard to the Appropriate Authorities in the States and Union Territories, you can provide in the rules that it could be either the Director-General or the Deputy Director-General.

Madam, there is one point which I think it is necessary to consider here. Punishment is provided for in the Bill for those who misuse the law, or, who misuse their knowledge, I should say. Of course, the Bill makes it obligatory that such pre-natal diagnostic centres should

register themselves with the Appropriate Authority. Nobody can undertake such tests without this registration and without the knowledge of the Appropriate Authority or the Supervisory Board. But the point is slightly different here. It is good that you are banning such tests as such, barring a few exceptions where such tests are permitted. I welcome this provision. But what is the punishment are you providing here for those who violate the provisions of the Act? The punishment is imprisonment up to three years and a fine up to Rs. 10,000:-

Madam, today, the most lucrative profession or the most protected provision from any kind of litigation is the medical profession. The medical profession has not been dragged into litigation so far. Here, I would like to refer to my experience. When I was the Home Minister in Kerala, there was a case reported to me. One lady died due to some minor MTP operation or something like that. There was a big hue and cry. There was an allegation made by the people against the doctors. I do not want to go into the here. Then, the Superintendent of Police arrested the doctors and charged them under section 302 of the Indian Penal Code. They said that it was a murder. Then, there was a big agitation by the doctors. They demanded protection. It went on. Then, there was a discussion at the highest level. I happened to talk to the Health Secretary. I asked him whether they had any report of this kind of death earlier and if there had been, what punishment had been given. To my surprise, Madam, the Health Secretary reported in the meeting "Yes; there have been cases in the past; we conducted enquiries and we found that it was true. What was the punishment? Stoppage of two increments!

So, stopping two increments was the punishment meted out to the doctor, due to whose negligence the person died! If anyone of us kills somebody he will even be hanged. That is the

law of the land. But, in many cases, the maximum punishment awarded to a doctor, due to whose negligence a person died, is stopping one increment or two increments. Naturally, this kind of a state of affairs cannot go on for long. It has to be checked. The responsibility should be fixed on every physician, every doctor who treats patients because he was taught and is paid to save the lives and not to end the lives. There are many cases which have been reported, in which, due to the doctor's negligence and due to various other reasons, patients have died. The only way is to go to the court. Unlike in the United States or in the Western countries, our people are not that enlightened. Those who are not aware of the law, may not be able to go to the court. The rural folk may not be able to go to the court. So, some kind of protection should be given to the people from this kind of attitude of the persons in the medical profession.

As you know, Madam—you are very experienced—in the Western countries the patient has a right. The literature on the right of the patient is given to him. The patient has the right to ask questions. The doctor is expected to tell the patient about the disease and the problems and ask of the patient about the course he prefers. But, here, in India, if we ask a question, the doctor gets annoyed, he gets angry. If somebody goes to a doctor and says, "I have come because I have got fever," the doctor will ask, "Why did you come when you have fever?" You can see this kind of arrogance everywhere. I believe that the time has come when the Minister must take note of this matter. Anyhow, we are going in for a global economy. Let us go in for global health also. So, definitely, even by an enactment you must make the people understand their rights as patients. The people in the medical profession must inform the patients, when they demand, about the problems they have. Every patient in this country should have this right. Enact a law to

see that every doctor, every physician is expected to explain to the patient about his problem. You must have a right to ask of the doctor about it. This is one point which I wanted to make. I hope the Minister will take note of this issue.

How can the people be protected? Of course, the medical profession is being protected. At the same time, we have to protect the people also. In this connection, I would like to suggest that one of the issues is to bring the medical profession, the whole institution, under the purview of the Consumer Protection Act. This is the easiest way. If you go in for a litigation in the Municipal Court or in the Sub-Court for compensation, it can drag on for many years. Of course, there is a criminal liability. There should be a criminal liability. The Government must be able to fix the criminal liability because negligence cannot be ignored. The State cannot ignore the negligence of a physician or a doctor who is in this profession, and it is the duty of the Government to the citizen to protect his life. We cannot leave the life of the patient to the mercy of the doctor at all. That is why I say that you must take note of this fact. To what extent can you protect the poor people? One method is to bring them under the purview of the Consumer Protection Act because this is the easiest method. Today, all over the country, consumer protection has become a movement. Especially housewives are taking more interest in it. Naturally, we can make it a big movement. When people become aware of this, those who are in the profession will also become more careful. This is another thing that I wanted to bring to the notice of the Minister.

Madam Vice-Chairman, generally speaking about the women folk, especially Mrs. Urmilaben was mentioning about the pathetic conditions of women. Even today they are suffering. I agree with her especially on the question of harassment in different forms, but who has to change?

I believe it is the men who have to change their attitude towards women. We know that women have become a work force. I see in Kerala especially, that women go by early morning 5.30 trains even up to Ernakulam to work there and they come back by the night train. Before going they prepare the breakfast and make the children ready to go to school and again after coming back they get engaged in the household work while the men just enjoy. After the Constitutional Amendment on the representation of women in the Panchayati Raj institutional and Nagarpalikas, 30 per cent of the reservations have been made for women. This has led to an upsurge among the women folk in the rural areas thus making them a part and parcel of the democratic institutions and of the development activities in every Panchayat and municipality in the country. Their role has thus assumed importance. It means that the women going to be Presidents of the Panchayats or District Councils or Block Councils have a more important work to do. Naturally their participation in this democratic process of development and administration requires a change in the whole social attitude. That change has to come from men. Women-folk have to go early in the morning, attend Panchayat meetings and look after the development work, thus compelling the men to understand their role. Now, the wives should give classes to their husbands on how to cook, because the time for it has come. We must also look after the children. Nowadays men are enjoying leaving everything to their wives.

THE DEPUTY CHAIRMAN: All best cooks are men, whether they are cooking in the kitchen or here.

SHRI VAYALAR RAVI: It is a good comment.

THE DEPUTY CHAIRMAN: And whether they are cooking anything.

SHRI VAYALAR RAVI: Anyway, So, a stage has come. I believe this is coming up in the rural areas. That is a major source for development. You remember, Rajiv Gandhi, while talking about the upsurge of the women-folk, said that they have to become part of the development administration. This all depends on the attitude of the men and of the society. As Mrs. Urmilaben has said sex exploitation is very much here in our country. It is for the Government to come forward with more legislations and enactments to prevent all this. I do not know to what extent you would appreciate this, but today I read in the newspapers that 200 women employees gathered together dragged out an Officer and just beat him up. Whether the fact that they have taken the law into their hands is correct or is incorrect, is a different matter and has to be debated, but definitely sometimes muscle power prevails over the unlawful elements.

THE DEPUTY CHAIRMAN: What I would like to say is that I would not allow gender harassment in this House. No Member of Parliament can harass the other, least the Chair. So, I also should not harass him and he should not harass me. Have you finished your speech?

SHRI VAYALAR RAVI: Yes, I hope the hon. Minister will take my suggestions into account.

I would like to make one suggestion regarding the Chairman of the Board. It is better to leave it to the other person rather than the Minister himself shouldering this responsibility also. It will help him also. This suggestion, of course, does not in any way come within the purview of the Bill, but I am only suggesting and provoking him to think of bringing about an effective legislation. Thank you.

THE DEPUTY CHAIRMAN: Now, the Minister wants to reply. (*Interruption*). Mr. Minister, would you reply tomorrow? How much time will you take?

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH CHATOWAR): I will take 15-20 minutes, Madam.

THE DEPUTY CHAIRMAN: Okay. I go by the will of the House. No pressure. No separation. No harassment.

SHRI PABAN SINGH GHATOWAR: Thank you, Madam. I am very grateful to all the Members who have taken part in this debate. Though this seems to be a simple legislation, I think this is one of the most important legislations attacking one of the major social evils prevailing in our country.

Madam, many hon. Members have elaborately explained the social evil prevailing in our society, the attitude of man towards woman, the status of women in the society. But everything comes back on us again. We have to ask ourselves how we deal with our womenfolk in our society, how much respect we give to the women in our own families, in our own society. If we can properly reply to that question, I think 50-60 per cent of our problem will be solved by that one answer from ourselves. Definitely, I will appeal to all the hon. Members. They have very elaborately and very lucidly explained all these things. I think we have to take this message to our society, the respective community, respective society, respective area so that the evil prevailing in our society can be eradicated.

Madam, the objective of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1994 is to regulate the use of pre-natal diagnostic techniques and to prevent the misuse of such techniques for the purpose of sex determination. As per the provisions of the Bill, pre-natal diagnostic techniques shall not be conducted except for the purpose of detecting the following abnormalities:

- (a) chromosomal abnormalities
- (b) genetic or metabolic disorders
- (c) haemoglobinopathies
- (d) sex-linked genetic diseases, and
- (e) congenital anomalies.

I am sure, when this technique was invented for the help of the suffering humanity, the scientist would not have thought that the technique would be used like this, particularly in our country, India. He would have never thought about a misuse like this, i.e. female foeticide.

Some hon. Members rightly mentioned about the decreasing female population in our society. From the beginning of this Century, the gap between the male population and the female population is increasing, except in the case of Kerala. As my hon. Friend, Mr. David Ledger, rightly pointed out, except in the case of Kerala, in all the States, the male-female ratio is always against the female proportion. The social awareness, the increase in literacy among the population of women, is not reflected in the male-female ratio. If we take the figures from the beginning of the Century, 1901, we will see that the female proportion has always been decreasing. This is what every Census shows. I think, this is an alarming situation and every responsible person in the society has to address himself to this problem. Mr. Vayalar Ravi rightly referred to the 73rd amendment in the Constitution. Our late Prime Minister, Shri Rajiv Gandhi, had rightly thought of giving special status to women in the society in order to build our country and I think, by way of that constitutional amendment, he had thought of giving a special status to women. Now, today, 30 per cent women are there in the Panchayati Raj institutions, the Nagarpalikas in all places. I think, this would create more awareness and social consciousness in our society, which, in turn, would compel the legislators of this country to give more representation to women in the highest legislature of this

country. I just want to mention that our Government, the Government headed by our beloved Prime Minister, P. V. Narasimha Rao Ji, has taken a vital decision of giving social recognition to our rural womenfolk by way of Mahila Samridhhi Yojana. In fact, people who do not know about rural India, they may not appreciate this scheme. But those who know about it and who live in rural India, will definitely appreciate the recognition given to women through the Mahila Samridhhi Yojana. This Yojana has created a sort of self-confidence among the rural women. Now, they are having their own account, they have got their say in the expenditure of their family. Now, they can think of having something for future for the family. This scheme has created a lot of enthusiasm among the rural women in our country. Madam, I come from the eastern part of the country. There is a mention of the status of women in our religious books also. It is mentioned in the Vedas. In our part of the country, one of the important functions is Durga Puja. According to our religious books, Goddess Durga was created to kill the evil of that time by all gods and goddesses. They had created Durga to destroy the greatest evil of that time. Why have they not created any male god? Why have they created Durga? I think, all these things, are mentioned in our religious books. But we are adopting them as per our convenience. We are adopting some of the teachings while ignoring the other teachings.

THE DEPUTY CHAIRMAN: Even Saraswati and Lakshmi.

SHRI PABAN SINGH GHATOWAR: Madam, Saraswati and Lakshmi, they are the important goddesses as per our religious books.

THE DEPUTY CHAIRMAN: If the Prime Minister gives the portfolios, all these portfolios will go to women—Finance, Defence and Education.

SHRI PABAN SINGH GHATOWAR: Madam Smt. Urmilaben referred to

some of the conditions of the rape victims, the widows. Madam, this Bill is about the sex determination before birth. There is another Act, that is, the MTP Act, which deals with abortion. The present Bill is concerned with the pre-determination of sex.

THE DEPUTY CHAIRMAN: That is, the medical termination of pregnancy.

SHRI PABAN SINGH GHATOWAR: Madam, in this Act it is mentioned—that the Health Minister of the Central Government will be the Chairman of the Central Supervisory Board. In that Board, there is representation of the lady Members from both the Houses of Parliament. There will be representatives of the Social Welfare organisations also both in the Board and the Board Committee. Let us see the functioning of the Advisory Committee first. If it does not function properly, definitely the Parliament has a right to discuss and make new suggestions. Madam, some basic responsibility is given to them. They will oversee the implementation of this Act in our country and they will chalk out some scheme to create public awareness against the practice of pre-natal determination of sex and female foeticide in the society. If the hon. Health Minister of the Central Government is the Chairman of the Board, that will give a great impetus to its activities. There will be an Appropriate Authority, there will be an Advisory Committee. All the provisions are there, but, Madam, one thing I frankly confess before you, I am not one of those who believe that only a penal provision can eradicate all the evil beliefs and evil practices of our society. Yes, this is the first step towards that goal, but one does not think that if we increase the penal provisions, that will eradicate all the evil. There are so many Acts in our country, there are so many penal provisions, but still heinous crimes are taking place in our Society. In this respect, I think, creating social awareness is the only solution to address these major problems.

There are many suggestions given by other hon. Members. I am thankful to them but, I think, this is the beginning. I have to thank the Members of the Joint Select Committee. They had held a detailed discussion on this Bill, they had visited some places in the country and received more than 300 representations. They had taken oral evidence also. There were a substantial number of lady Members in this Joint Select Committee and they had greatly contributed in the preparation of the Report of the Committee. I request all the Members at this stage to support and pass this Bill and I also request all the Members who have participated, all the Members who have witnessed the participation of other Members, that they should speak about all these things in their respective parts of the country, in their constituencies, because that will be a step further towards the proper implementation of this measure.

With these few words, Madam, I conclude and I am very much thankful to all the Members who have contributed a lot in support of the Bill. I once again request them all to pass this Bill. Thank you, Madam.

THE DEPUTY CHAIRMAN: The question is:

“That the Bill to provide for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration.

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 4 : Regulation of pre-natal diagnostic techniques.

THE DEPUTY CHAIRMAN: Now we will take up clause 4. There are two amendments to be moved by Smt. Urmilaben Chimanbhai Patel.

श्रीमती उर्मिला चिमनभाई पटेल : मैं प्रस्ताव करती हूँ कि:-

1. पृष्ठ 4 पर पंक्ति 10 के पश्चात् निम्नलिखित नये उप-खंड जोड़े जायें, अर्थात्:-

(v) गर्भवती स्त्री अवयस्क न हो।

(vi) गर्भवती स्त्री विधवा न हो।

(vii) गर्भवती स्त्री बलासंग की पीड़ित न हो।

2. उपखंड (3) की मद (v) की संख्या बदलकर मद (viii) कर दी जाये।

The question were proposed.

उपसभापति : उर्मिलाबेन, आप प्रैस कर रही हैं, विदवा कर रही हैं, एम्प्लॉयमेंट मांग रही हैं, क्या कर रही हैं।

श्रीमती उर्मिला चिमनभाई पटेल : अगर मंत्री जी फ्यूचर में कुछ प्रोविजन करने का आश्वासन दे दें तो मैं विदवा कर लेती हूँ।

उपसभापति : मंत्री जी, आप कुछ आश्वासन दे रहे हैं ?

श्री पबन सिंह घंटोवर : उर्मिलाबेन जी ने जो प्रपोज किये हैं, उसके बारे में जो माइनर की रेप विक्टिम या प्रेगनेट वोमेन, यह हम देखते हैं कि हमारे जो क्लोजिज हैं इस एक्ट में वह सफिशिएंटली कवर किये हैं। इसके बाद भी

There is a provisions for the constitution of an Advisory Committee and there will be women representatives in that Committee. After seeing the implementation of this Act in our country they may come up with some suggestions. At that stage the Government will consider these points.

मैं उनसे रिक्वेस्ट करता हूँ कि वह अपना अमेंडमेंट वापस ले लें।

श्रीमती उर्मिला बेन जोडाभाई पटेल : मैं अपना अमेंडमेंट विदवा करती हूँ।

Amendments, Nos. 1 and 2. were, by leave; withdrawn.

Clause 4 was added to the Bill.

Clause 5 to 34 were added to the Bill Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI PABAN SINGH GHATOWAR: Madam, I beg to move:

That the Bill be passed.

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 o'clock tomorrow.

The House then adjourned at thirty-seven minutes past five of the clock till eleven of the clock on Friday, the 5th August, 1994.