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PARLIAMENT OF INDIA
RAJYA SABHA

**THE MEDICAL TERMINATION OF
PREGNANCY BILL, 1969**

REPORT OF THE JOINT COMMITTEE

(PRESENTED ON THE 9TH NOVEMBER, 1970)



सत्यमेव जयते

**RAJYA SABHA SECRETARIAT
NEW DELHI
NOVEMBER, 1970**

RAJYA SABHA

ERRATA

TO

THE REPORT OF THE JOINT COMMITTEE ON THE MEDICAL TERMINATION
OF PREGNANCY BILL, 1969.

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1. Page v, line 22, for "practioners" read "practitioners".
 2. Page vi, fifth line from the bottom, for "as limited as far" read "limited as far as".
 3. Page vii, line 3, after "advanced" add "countries of the world, in this matter will, however,".
 4. Page viii, seventh line from the bottom, for "religious" read "religions".
 5. Page ix, line 3, for "Ahmisa" read "Ahimsa".
 6. Page x, fourteenth line from the bottom, after " यहां " add "बम्बईजी".
 7. Page xi, sixth line from the bottom, for "टिप्पणी टिप्पणी" read "टिप्पणी".
 8. Page xiii, fifth line from the bottom, for "त्नान" read "ज्ञान".
 9. Page 2 - line 13, for "registered, medical practitioner" read "registered medical practitioner".
- line 32, for "inquiry" read "injury".
 10. Page 6, third line from the bottom, for "have" read "save".
 11. Page 9, line 8, for "Sound India" read "South India".
 12. Page 10, - in the matter printed against Serial No.6 for "Dr. P.C. Bhatia" read "Dr. P.C. Bhatla".
- in the matter printed against Serial No.17 for "Shri Shashi Dhar Bajpal" read "Shri Shashi Dhar Bajpai".
 13. Page 12, against serial No.16, for "Shri M.P. Masani" read "Shri M.R.Masani".
 14. Page 24, eighth line from the bottom, after "L.R.C.P.(London)" add "F.R.C.S.(Eng.)".
 15. Page 26, line 3, for "Tamily Nadu" read "Tamil Nadu".
 16. Page 27, line 20, for "Dr. Syed Khaleefathullah" read "Dr. Syed Khaleefathullah".
 17. Page 28, line 11, for "Members" read "Present".

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COMPOSITION OF THE JOINT COMMITTEE ON THE MEDICAL
TERMINATION OF PREGNANCY BILL, 1969

1. Shri Mulka Govinda Reddy—*Chairman**

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy**
4. Shrimati Usha Barthakur
5. Shri Krishan Kant
6. Shri Sawaisingh Sisodia**
7. Shri K. P. Mallikarjunudu
8. Shrimati Bindumati Devi
9. Shri Niranjan Varma
0. Shri G. Gopinathan Nair
1. Shri S. A. Khaja Mohideen.

Lok Sabha

2. Shri Vidya Dhar Bajpai
3. Shri Gangacharan Dixit
4. Shri Ganesh Ghosh
5. Shri Kameshwar Singh
6. Shri S. Kandappan
7. Dr. Karni Singh
8. Shri Kinder Lal
9. Shri P. Viswambharan
0. Shri N. R. Laskar
1. Hazi Lutfal Haque
2. Shri M. R. Masani

*Ceased to be a member and Chairman of the Committee consequent upon his retirement from the membership of the Rajya Sabha on the 2nd April, 1970. Re-elected to the Rajya Sabha on the 3rd April, 1970. Re-appointed as a member of the Committee on the 14th May, 1970. Appointed again as Chairman of the Committee on the 15th May, 1970.

**Appointed on the 14th May, 1970, in the Vacancies caused by the retirement of Shri Narayan Patra and Dr. S. Chandrasekhar, from the membership of the Rajya Sabha on the 2nd April, 1970.

23. Shri Mohammad Yusuf
24. Shri B. S. Murthy
25. Shrimati Shakuntala Nayar
26. Dr. Sushila Nayar
27. Shri Partap Singh
28. Shri Ram Swarup
29. Dr. M. Santosham
30. Shrimati Tara Sapre
31. Shri M. R. Sharma
32. Shri Babunath Singh
33. Shri Jageshwar Yadav.

REPRESENTATIVES OF THE

Ministry of Law

1. Shri S. K. Maitra, Joint Secretary and Legislative Counsel.
2. Shri R. N. Shinghal, Deputy Legislative Counsel.
3. Shri S. Ramaiah, Deputy Legislative Counsel.

*Ministry of Health and Family Planning and Works,
Housing and Urban Development*

1. Shri R. N. Madhok, Joint Secretary
2. Dr. (Kumari) L. V. Pathak, Commissioner
3. Shri D. N. Chaudhari, Deputy Secretary
4. Dr. I. Bhooshana Rao, Deputy Commissioner
5. Dr. G. P. Sen Gupta, Deputy Commissioner
6. Dr. S. V. Raja Rao, Assistant Commissioner
7. Dr. (Smt.) S. F. Jalnawalla, Deputy Director

SECRETARIAT

1. Shri S. S. Bhalerao, Joint Secretary
2. Shri S. P. Ganguly, Deputy Secretary
3. Shri Kewal Krishan, Deputy Secretary
4. Shri M. K. Jain, Under Secretary.

REPORT OF THE JOINT COMMITTEE

1. The Chairman of the Joint Committee to which the Bill* to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto, was referred, having been authorised to submit the report on their behalf, present this their Report, with the Bill as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 17th November, 1969. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Dr. S. Chandrasekhar the then Minister of State in the Ministry of Health and Family Planning and Works, Housing and Urban Development on the 3rd December, 1969, and was adopted by the House on the 8th December, 1969 (Appendix I).

3. The Lok Sabha discussed and concurred in the motion on the 24th December, 1969 (Appendix II) and the message from the Lok Sabha was reported to the Rajya Sabha on the same day.

4. The Committee held 19 sittings in all.

5. At their first sitting held on the 30th January, 1970, the Committee decided that a Press communique be issued inviting memoranda on the Bill from various associations, organizations and individuals interested in the subject-matter of the Bill and advising them to send the same to the Rajya Sabha Secretariat by the 20th February, 1970. The Committee further decided to call witnesses for giving oral evidence on the Bill and authorised the Chairman to decide, after examining all the memoranda, as to who might be invited for the purpose. The Chairman also requested members to suggest names of persons who might be invited for giving oral evidence before the Committee.

6. The Committee received memoranda, suggestions etc., on the Bill from twenty-one persons|associations (Appendix III).

7. The Committee heard the evidence tendered by twenty-six witnesses- (Appendix IV).

8. The Committee decided that the evidence tendered before them should be printed and laid on the Table in both the Houses.

9. The Report of the Committee was to be presented to the House by the first day of the Seventy-first Session of the Rajya Sabha. The Committee were, however, granted extension of time first, up to the first day of the Seventy-third (July-August, 1970) Session and then again up to the first day of the Seventy-fourth (November-December, 1970) Session of the Rajya Sabha.

10. The Committee considered and adopted the Draft Report at their sitting held on the 3rd November, 1970.

11. The principal changes suggested by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs.

*Published in Part II, Section 2 of the *Gazette of India Extraordinary* dated the 17th November, 1969.

CLAUSE 1

New Clause 6 inserted in the Bill provides for framing of rules by the Central Government to carry out the provisions of the Act generally and, in particular, to prescribe experience or training which a registered medical practitioner should have if he intends to terminate any pregnancy under the Act. Further, Clause 7 (original Clause 6) empowers the State Governments to make regulations on certain matters provided in the Act. As it might take some time before these rules and regulations are framed and finalised by the Governments concerned, the Committee feel that practical difficulties would arise if the Act came into operation immediately. The Committee, therefore, feel that the Act should come into operation after the rules and regulations have been framed by the Governments concerned. A new sub-clause has, therefore, been inserted empowering the Central Government to appoint, by notification in the Official Gazette, a date on which the Act will come into force.

CLAUSE 2

Paragraph (a).—Under sub-clause (4) of clause 3, the consent of the guardian has been made obligatory for the termination of pregnancy of a woman when the latter is either a minor or a lunatic. In the circumstances, the expression “guardian” has been so defined by the Committee as to cover not only the guardian of a minor but also the guardian of a lunatic.

Further, the Committee are of the opinion that, for the purposes of this Act, it would be sufficient if the person having the care of the person of the minor or lunatic is defined as the guardian. The Committee have, therefore, omitted reference to the person having the care of the property of the minor, so that a person having the care of the property only of the minor or lunatic may not exercise the powers conferred on the guardian by the Act.

Paragraph (d).—As the termination of pregnancy is a delicate operation and, at times, involves serious complications and even danger to the life of the pregnant woman, the Committee are of the opinion that such an operation should be carried out only by those registered medical practitioners who have the requisite experience or training in gynaecology and obstetrics and that the experience or training which a registered medical practitioner must possess in this regard, should be prescribed by rules made by the Central Government. Accordingly, the Committee have amended the definition of the expression “registered medical practitioner”.

CLAUSE 3

The Committee are of the opinion that for the termination of a pregnancy, where the length of pregnancy exceeds 12 weeks but does not exceed 20 weeks, it is not necessary that two registered medical practitioners should act together. It would suffice if, in such a case, the opinion of two registered medical practitioners, formed in good faith, is in favour of termination of the pregnancy and the actual operation is carried out by a single registered medical practitioner. The Committee have amended sub-clause (2) of the clause to clarify the position.

Original sub-clause (4) made separate provisions for consent to be obtained for terminating pregnancies of a married woman when such

pregnancy is alleged to have been caused by rape, or of a widow who is a minor or lunatic or of an unmarried girl who had not attained the age of 18 years or of an unmarried woman who, being above the age of 18 years, was a lunatic. The Committee feel that except in the case of termination of pregnancy of a woman who has not attained the age of 18 years or who is a lunatic, obtaining of such a consent should not be made obligatory. The Committee have, therefore, substituted the revised paragraph (a) for the original paragraphs (a), (b), (c) and (d) of the sub-clause.

The other changes made in the clause are of a verbal or clarifying nature.

CLAUSE 5

The Committee are of the opinion that the relaxation provided in this clause in the matter of length of pregnancy should extend only to cases where termination of the pregnancy is necessary to save the life of the pregnant woman and that it should not extend to cases where it is necessary to terminate a pregnancy to save permanent grave injury to the physical or mental health of the pregnant woman. Necessary changes have, therefore, been made in the clause.

In view of the amendment in paragraph (d) of Clause 2, registered medical practitioner referred to in this clause would mean a registered medical practitioner who has experience or training in gynaecology and obstetrics. The Committee feel that where the termination of a pregnancy is immediately necessary to save the life of the pregnant woman, the provision with regard to experience or training in gynaecology and obstetrics should not be insisted upon so that such pregnancy may be terminated, where necessary, by a general practitioner. An explanation to that effect has been added to the clause.

CLAUSE 6 (NEW)

This new clause is consequential to the amendment carried out in paragraph (d) of Clause 2.

The other changes made in the Bill are of a consequential or drafting nature.

12. For convenience and also for reference purposes, an Annexure detailing the clauses in the Bill as introduced in the Rajya Sabha which have now been amended by the Joint Committee has been added.

13. The Committee recommend that the Bill, as amended, be passed.

NEW DELHI;
November 3, 1970,

MULKA GOVINDA REDDY,
Chairman of the Joint Committee.

MINUTES OF DISSENT

I

Abortions can be classified under three categories:

1. Natural or spontaneous abortion;
2. Therapeutic abortion;
3. Criminal abortion.

Spontaneous or natural abortions are caused un-intentionally by things like disease. Therapeutic abortions are induced in good faith by medical practitioners when they are satisfied that the continuance of pregnancy will endanger the patient's life or seriously impair her health. Criminal abortions are those produced under circumstances which afford no lawful justification.

The subject of abortions has humanitarian, ethical, moral, social, eugenic, sociological, medical and legal ramifications. While medical men are concerned with its medical aspects, lawyers are concerned with its legal side. But legislators or law-makers are concerned with all the aspects and particularly with its social, sociological and humanitarian aspects.

The present Bill is intended to enlarge the area of therapeutic abortions and reduce the area of criminal ones. Under the existing law as contained in sections 312 to 316 of the Indian Penal Code an abortion is legally permissible when it is done only to save the life of the mother and with her consent. The area of legal permissibility is sought to be widened by means of this Bill on grounds of (i) health, (ii) humanitarianism and (iii) agencies as mentioned in the Statement of Objects and Reasons.

The first question to be, therefore, considered is whether such liberalisation of abortion is justified or not on ethical, social, medical and other grounds. When the Bill was sent to various States for their comments, some States opposed liberalisation while some other States advised caution. A number of eminent witnesses gave evidence before the Committee which revealed a wide variety of divergent opinions. Some witnesses went to the extent of saying that any further liberalisation will lead to promiscuity in sexual life and undermine the moral foundations of our society. Some are of the view that in view of the grossly inadequate medical facilities available in our country, liberalisation on a wider scale should not be permitted. Some other witnesses held the view that in spite of great advances in medical science, the operation of abortion is fraught with risks since it is done in an invisible region and hence any liberalisation should be as limited as far possible. It is revealed in the evidence that abortions should not be permitted in the case of unmarried woman, though it is allowed in the case of married woman. Some witnesses on the other hand asserted that the matter should be left entirely to the choice of the pregnant woman, and she must be permitted on her

request to have an induced abortion, irrespective of other considerations. A reconciliation of all these views and the knowledge of the experience of other advanced lead us to the conclusion that some kind of liberalisation of abortion is not unwarranted, under the existing circumstances. The three grounds mentioned in the objects and reasons are good enough, in my opinion, to enlarge the scope of legal abortions. To go beyond these grounds is to my mind, now unjustifiable.

Unfortunately, an attempt is made in the Bill to use this as a family planning measure by introducing Explanation II in sub-section (2) of section 3. If abortions are regarded as a part of family planning I have no doubt that the basis of the entire edifice of family planning will collapse. Let me make it clear that it is not my personal view. My view is fortified by eminent medical men who tendered evidence before the Committee, Dr. S. B. Anklesaria, President of the Federation of Obstetrics and Gynaecological Societies of India, Bombay and Dr. B. N. Purandare, another representative of that Federation are definite that abortion should not be resorted to as a family planning method, since it undermines the scheme of family planning and encourages abortions which are more risky than is ordinarily imagined. Of course, they said it may not lead to such consequences if the woman is to be compulsorily sterilised in case of abortion after the birth of two or three children. In view of our present constitutional provisions to make sterilisation compulsory is not permissible. Hence I am of opinion that Explanation II in sub-section (2) of section 3 should be deleted.

I have no doubt that liberalisation of abortion in the case of unmarried woman tends to loosen the morals and therefore I would like to suggest that appropriate provisions should be incorporated in the Bill by which unmarried woman should be prevented from undergoing abortion except in cases of rape and danger to life.

In case of rape it is enough under the Bill if the woman alleges rape and the pregnancy can be terminated with impunity. I should think that there should be a Committee of persons appointed by the Government to find whether the pregnancy is the result of rape. This view is fortified not only by the opinion of some witnesses but also by the laws obtaining in countries like Denmark.

Another change I wanted to make is that two Registered Medical Practitioners are necessary to terminate the pregnancy even in cases where the length of pregnancy does not exceed 12 weeks. While conceding that termination of pregnancy before 12 weeks is relatively speaking less risky than the termination after 12 weeks it is not safe in my opinion to entrust the operation to only one Registered Medical Practitioner. Any emergency may arise during the operation. Because it is an abdominal operation in an invisible region, at least to minimise risks and safeguard against any possible complications the presence of two Registered Medical Practitioners is highly necessary. It is irresponsible to risk the life of a pregnant woman and every possible precaution and safeguard ought to be taken.

On eugenic grounds provisions is made in item 2 of clause 2 of section 3 for medical termination of pregnancy if the doctor or doctors opined

that there is a substantial risk that if the child were born he would suffer from such physical or mental abnormalities as to be seriously handicapped. From the evidence tendered it is clear that excepting some cases it is not easy to foresee whether the child to be born will be an abnormal one. It is not safe to entrust the decision to the registered medical practitioner or practitioners who undertake operations. I should think that a provision will have to be made through the Bill for the constitution of an Expert Committee to decide the issue.

During the consideration stage of the Bill by the Joint Committee I gave notice of some amendments which were accepted by the honourable Shri B. S. Murthy for which I am grateful to him. I would like to urge once again upon the Government to consider the various suggestions put forward by me in this minute of dissent and introduce appropriate amendments.

K. P. MALLIKARJUNUDU.

II

Having heard the scholarly thesis and reasons both of specialists, medical men and social workers, I am ever more convinced that the Bill namely Termination of Pregnancy through surgical treatment or through any artificial means is harmful and will not serve the purpose which it aims to fulfil. Apart from the reasons that are influenced by my religious convictions, I have been reinforced in my conclusions consequent on expert and convincing evidence tendered by eminent medical authorities and gynaecologists.

The one aspect that kept me ever vigilant in the course of our enquiry relates to the question whether we are justified to put an end to a life just impregnated, but has no voice. The argument that the life cells do not come into existence till after 12 or 20 weeks, in my opinion, is spurious and has been challenged by medical authorities. It has been unequivocally and categorically expressed that the termination of pregnancy even at the earliest stage is nothing short of murder. We are terminating a life at a certain stage and we should be honest to own that we are putting an end to life of a human specie by unnatural means.

The serious aspect dealt with in the course of enquiry, indicated that this artificial method—surgical termination—invariably affects the health of the mother. It is possible that the treatment may afford an immediate solution of a problem, but the complication it sets in, continues and exhibits itself in various forms and physical complaints to the mother.

Our standards of ethics and morality have sprung from our religious convictions and sanctions. As a matter of fact, we have to accept that evolution and human civilisation owes completely to religious and to those basic beliefs that have shaped human conduct from time immemorial. It is not possible to reconcile ourselves to such theories that we could solve problems of human lives by artificial interference with nature. As a Muslim, I have to submit myself implicitly to the Will of the Supreme Being, who is All Wise and Knows best. It is His will that pro-creation takes place and who are we to interfere into His domain?

Apart from my own convictions and beliefs, we belong to a country that has produced great savants, saints and *rishis*. Their teachings have set up a pattern of society that is our pride. The doctrine of *Ahmisa* repeated by Gandhiji is there before us that reminds our ancient culture, and hence my opposition to the Bill is based both on medical as well as on cultural grounds:

I would like to make it clear that my conclusions have obtained concurrence of such eminent authorities like Dr. Marikar and Dr. D. Kulanday. Dr. Marikar's authority is rather unique. Besides being a reputed gynaecologist, she was an Administrator and had the portfolio of Family Planning under her jurisdiction. Her opposition to the Bill was for very rational reasons, which should convince the Committee. She maintained that surgical treatment for abortions conducted even by experts and specialists involves certain amount of risk, with ultimate danger to the health of the parent. She was emphatic that we are absolutely unprepared to deliberate such a measure since we totally lack in adequate equipment in a major number of hospitals and dispensaries. To think of such a measure with such lack of equipment and untrained personnel, might in her view,—prove more harmful and could never be expected to secure the objective which is sought for by the Bill. On the contrary, she was right in her conclusion that instead of solving the issue by medical termination of pregnancy, the measure would further complicate and the parent will be landed into complications and miseries for life.

Another aspect that was emphasised by some of the witnesses was that this Bill will liberalise the process, giving an opportunity to unscrupulous persons and illiterate *dais* to openly indulge in the practice of playing with human lives, specially lured by economic considerations. Above all, this measure will further sink and denigrate our moral standards.

I therefore dissent and oppose the passage of the Bill namely Termination of Pregnancy, through surgical treatment.

S. A. KHAJA MOHIDEEN.

III

इसमें संदेह की गुंजाइश नहीं है कि वर्तमान विधेयक देश की बढ़ती हुई जन-संख्या को सीमित करने के उद्देश्य से लाया गया प्रतीत होता है। यद्यपि यह बात भी सही है कि इस बात को प्रमुखता से निर्देशित नहीं किया गया है। तब भी उपरोक्त प्रकाश में इस विधेयक पर विचार करना आवश्यक है।

देश में अंग्रेजी पढ़े-लिखे व्यक्तियों की संख्या केवल कुछ प्रतिशत ही है। परन्तु इस विधेयक में जो साक्षियां ली गई हैं वे केवल उन अंग्रेजी पढ़े-लिखे व्यक्तियों की हैं जो साधारणतः पश्चिमी सभ्यता से प्रभावित हैं। अतः इस विषय में उनकी साक्षियों को देश की विचारधारा का प्रतिनिधित्व करने वाला नहीं माना जा सकता।

यह भी निर्विवाद और सत्य है कि हमारे देश की पृष्ठ भूमि; परंपराएं; और संस्कृति पश्चिमीय देशों से भिन्न है। हमारा समाज वर्तमान में जापान तथा इंग्लैंड आदि देशों का समाज सुधार के रूप में अध्यानुकरण करने का पक्षपाती नहीं है।

मेरे विचार से गर्भ को चिकित्सात्मक समाप्ति विधेयक, 1969 निदान्त निरर्थक, सर्वविक्रमता को बढ़ावा देने वाला एवं भारतीय धर्मों और भारतीय संस्कृति पर कुठाराघात करने वाला है। अस्तु ने इस विधेयक का पूर्णतया विरोध करती हूँ।

भ्रूण हत्या जैसे घृणित और नृशंभ अघरात्र को भोगने जैसे देण्ड, जो कि धर्म, सभ्यता, उदारता एवं मानवीय गुणों में संसार में सर्वोपरि रहा है, सबका मार्गदर्शक रहा है, आज वैज्ञानिक स्वच्छा देने की बात हो रही है, यह परम आश्चर्य, परम खेद और परम लज्जास्पद विषय है।

इस विधेयक से निश्चय ही हमारी महिलाओं और हमारे पुरुषों का बड़ा ही नैतिक पतन होगा। महिलाये विशेष तौर से स्त्री मुक्तता कोमलता से रहित अत्यन्त कठोर हृदय व हिसक प्रवृत्ति की होती जायेगी। इस विधेयक को लाने के लिए हमें एक दिन अग्रय हो पड़ना पड़ेगा, किन्तु उस समय हम कदाचित् चाहने पर भी, हम अपने हाथों नष्ट की हुई अपनी संस्कृति और खोया हुआ धर्म वापस नहीं ला सकेंगे।

एक समय वह था कि हमारे विचार अत्यन्त ऊँचे हुआ करते थे और हमारे आचरण भी तदनुकूल ही हुआ करते थे। कुछ समय बाद हमारे विचार तो वही रहे पर आचरण से हम नीचे गिर गये। किन्तु आज हम इतना गिर गये कि विचारों में भी ऊँचे नहीं रह गये। धर्मों से ऊँचे पहुँचने को कौन कहें हमारे विचारों में भी इतना अधोपतन हुआ है कि आज हम गर्भपात जैसे महापाप के लिए भी मृत्यु दण्ड या आजन्म कारावास जैसे दण्ड का विधान न रखकर उसे विधेयक द्वारा वैध बनाकर क्रूर बर्बरता को प्रोत्साहन देने को तत्पर हैं। आज हमारे विचार आत्म-संयम, नियम, शिक्षा व धर्म ज्ञान यदि दुःसमयों तक न पहुँचकर गर्भपात जैसे उपाय तक ही रह गये हैं। हम यह भूल गये हैं कि हत्या हत्या है, वह चाहे पेट के अन्दर शिशु की हो या पेट के बाहर की।

आग लगाता रहे और उसे वृक्षाता रहे, खाना खाता रहे और उसे उगलता रहे, गर्भ होते रहें और उसे गिराते रहें यह कहां की बुद्धिमानों है, कौन-सा ज्ञानमार्ग है और किस देण्ड को सभ्यता और धर्म है? हमें तो ऐसा मार्ग ढूँढना चाहिए कि जिससे स्त्रियाँ अनावश्यक गर्भ धारण ही न करें, और गर्भपात जैसा नीच कार्य इसका निदान नहीं है।

जो विवाहिता बच्चे नहीं चाहती और जो समझती हैं कि बच्चे होने से उनका मनःस्ताप बढ़ेगा तो उन्हें बच्चों को इच्छित संख्या हो जाने के बाद ही स्टैरोलाइज करवा लेना चाहिए ताकि गर्भ धारण व गर्भपात की नीबत ही न आवे।

बलात्संगोत्पन्न गर्भ वाली लड़कियों व महिलाओं के लिए समाज-कल्याण विभाग एवं सभी समाज सेवियों को उनकी सेवा करनी चाहिए, उन्हें शिक्षित कर जोविको पार्जन योग्य बनाना चाहिए और उनके बच्चों का भी लालन पालन कर उन्हें योग्य नागरिक बनाना चाहिए। समय-परिवर्तन के साथ लोगों के हृदयों में भी परिवर्तन हो गया है, अस्तु हो सकता है कुछ परोपकारी लोग प्रसन्नता से उन महिलाओं से विवाह तक को तैयार हो जायें। गर्भ-पात जैसा पाप क्यों किया जाये? समाज में कमी हो तो समाज सुधार ही क्यों न किया जाय ताकि समाज में ऐसी के लिए उचित स्थान रहे। इसके साथ साथ बलात्कारी व्यक्ति को आजन्म कारावास से कम दण्ड न मिलना चाहिए।

रह गई वे महिलाएं जो स्वेच्छा से दुराचार और पतन के गढ़ में गिरती हैं और गर्भिणी हो जाती हैं। वे सर्वथा उपेक्षा और दण्ड के योग्य हैं। उन्हें अपनी भूल का अनुभव करने ही देना चाहिए। जब बच्चे होंगे, उनकी जिम्मेदारी उठानी पड़ेगी तभी ऐसी महिलाओं की आंखें खुलेंगी।

गर्भ-पात महिलाओं के स्वास्थ्य की दृष्टि से परम हानिकारक है। इससे बहुधा रक्त वाह (हेमराज), पागलपन, कोई अंग बेकार और स्मृति खो जाना आदि अनेक दुष्परिणाम होते देखे गये हैं।

मानवता की दृष्टि से बलात्कार की शिकार महिलाओं व उनके बच्चों की सत्र प्रकार से सहायता करना आवश्यक है। किन्तु नामी या बदनामी के भय से भ्रूण हत्या करवाना कहां की मानवता है? किस मां का मन बच्चे को देखकर पुलकित नहीं हो जाता? बच्चे जैसे ईश्वरीय देण्ड किसको सुखद नहीं है? फिर उसी की निर्मम हत्या किस देश की मानवता में सम्मिलित है?

पागल से पागल ही बच्चे होंगे, यह सत्य नहीं है और कोई भी डाक्टर इसे प्रमाणित नहीं कर सकता। मैं कई पागल महिलाओं को जानती हूँ कि जिनके बच्चे एकदम स्वस्थ हैं और आज बड़े अच्छे पदों पर कार्य कर रहे हैं। अस्तु, कोई स्त्री पागल है इसलिए उसका गर्भपात कराया जाय यह सर्वथा अनुचित है।

सृजन विज्ञान का आधार भी इसी प्रकार अनिश्चित है। यह जानना सम्भव नहीं है कि बच्चा होगा तो अंग ही होगा। अस्तु इस सम्बन्ध में गर्भपात की अनुमति नहीं होनी चाहिए। किन्तु यदि कोई बच्चा विकलांग हो भी तो उसकी हत्या क्यों की जाये? हमारे अस्पताल किस लिए हैं? फिर हमें यह भी नहीं भूलना चाहिए कि एक अन्धी महिला ने संसार में वह कार्य किया कि अंधा बाले भी शापद न कर सकते। उसने संसार के सारे अंधों के लिए अत्यन्त प्रशंसनीय कार्य किया। आज सारे अन्धे उन्हीं के मार्ग दर्शन से शिक्षित होकर अपने निर्वाह योग्य बन गये हैं।

भारतीय दण्ड संहिता में यह विधान दिया ही हुआ है कि यदि मां के जीवन बचाने में बच्चा नष्ट हो जाये तो यह दण्डनीय नहीं माना जायेगा। अस्तु जहाँ तक मां के जीवनरक्षा की बात है, यह प्रावधान यथेष्ट है। इस विधेयक को लाने की कोई प्रत्यक्ष आवश्यकता नहीं है। विधेयक पढ़ने से स्पष्ट लभता है कि सरकार मां के स्वास्थ्य रक्षा की आड़ में परिवार नियोजन के लिये ही विधेयक लाना चाहती है। सामाजिक और धार्मिक विद्रोह के भय से ही मां की जीवन रक्षा के आवरण का प्रयोग किया है।

मेरे विचार से इस विधेयक के स्थान पर निम्नलिखित बातों पर सरकार अधिक ध्यान दे तो ठीक होगा।

1 बच्चों को, स्कूलों में और घरों में इन सब दुष्पापों से व उनके दुष्परिणामों से भली भाँति अवगत कराना ताकि वे अपने जीवन में सजग रहे।

2 उन्हें आत्म-संयम की और नियमित जीवन-यापन की शिक्षा नित्य शिक्षण संस्थाओं व घरों में मिलनी चाहिए। वे उत शिक्षा के अनुकूल चल सके, इसके कुछ अन्य बातों पर भी ध्यान देना चाहिए जैसे कि उन्हें यथेष्ट, व्यायाम, परिश्रम, नित्य उपासना अध्ययन आदि में लगाये रहना और उन्हें उच्च कोटि के मनोरंजनादि में लगाये रहना। उन्हें नियमित रूप से व्यस्त रखने से मन की शुद्धि और आत्म संयम सुगम हो जायेगा।

3 वयोवृद्ध लोगों को स्वतः भी आर्दश होना पड़ेगा। जिस देश के वयोवृद्ध, नेता, प्रतिनिधि आदि स्वयं चरित्रभ्रष्ट हों और जहाँ गर्भपात जैसे कर्म वैध हों वहाँ के बच्चों से हम नैतिकता की अपेक्षा कहीं तक कर सकेंगे। वासना ऐसी वस्तु है कि उसे जितना ही सीमित रखा जायें, सीमित रहेगी और जितना ही प्रज्वलित किया जाये प्रज्वलित होगा। हर युवा पुरुष हर सुन्दरी युवती के पीछे लगने की हिम्मत क्यों नहीं करता? क्योंकि वह अपनी वासना को बुद्धि द्वारा संयत व सीमित रखता है। वह अपनी सीमा जानता है और असंयम के दुष्परिणाम को भी जानता है। उसके ऊपर अच्छी शिक्षा व अच्छे वातावरण का प्रभाव होता है। उसमें आत्म संयम और आत्माभिमान होता है और सामाजिक नियमों का भी उसे ध्यान रहता है। किन्तु जो इन सब बातों का उल्लंघन करते हैं उनके लिये यथोचित शिक्षा और यथोचित दण्ड दोनों का ही प्रावधान होना चाहिये।

आधुनिक मां बाप को अधिक से अधिक समय देकर बच्चों को जीवनोपयोगी सभी ज्ञान दे कर स्वयं भी उनके लिये उदाहरण बन कर उन्हें आदर्श और महत्वाकांक्षी बनने के लिये प्रोत्साहित करना चाहिये। बच्चे कुसंगति में बैठ कर समय नष्ट करे ऐसा न होने दें। अक्सर मां बाप स्वयं इतना गड़बड़ जीवन बिताते हैं कि बच्चों के सामने आदर्श की बात करने का उनका मुह ही नहीं होता। बच्चे लावारिसों की तरह नौकरों के या बड़े हुए तो इधर उधर की बुरी संगति में फिरते हैं। उन्हें एक नागरिक की जिम्मेदारी का कोई लान नहीं होता। मां बाप को चाहिए कि बच्चों को ब्रह्मवेला में जगायें, नियम से स्नान, पूजा, अध्ययन आदि में लगायें उचित ज्ञान देकर उन्हें धर्म, समाज, और देश के प्रति उनकी जिम्मेदारी नित्य स्मरण करायें। तभी वह आदर्श बनेंगे व संयम सीखेंगे। तभी हमारी बढ़ती हुई जनसंख्या का और बढ़ते हुए दुराचार का समाधान होगा और इस विधेयक की आवश्यकता कतई न पड़ेगी।

यह विवेक निश्चय ही किसी भारतीय के मस्तिष्क की उपज नहीं हो सकता। इसका आधार किसी पश्चात्य देश के व्यक्ति का मस्तिष्क है और हमें चाहिये कि हम यह जहां की उपज है वहीं इसे वापस कर दें। हमारे देश में इसकी आवश्यकता नहीं है। ये वैज्ञानिक, धर्मपूर्ण शिक्षारूपी मार्ग का ही अनुसरण करने के पक्ष में होते हुए इस अमानुषिक विवेक का पूर्ण विरोध करती हैं।

बिन्दुमति दास

Bill No. XXII-B of 1969

THE MEDICAL TERMINATION OF PREGNANCY
BILL, 1969

(AS REPORTED BY THE JOINT COMMITTEE)

[Words side-lined or under-lined indicate the amendments suggested by the Committee, asterisks indicate omissions.]

A

BILL

to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Termination of Pregnancy Act, 1970.

Short title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

10 (a) "guardian" means a person having the care of the person of a minor or a lunatic; * * *

(b) "lunatic" has the meaning assigned to it in section 3 of the Indian Lunacy Act, 1912; 4 of 1'

(c) "minor" means a person who, under the provisions of the Indian Majority Act, 1875, is to be deemed not to have attained his majority; 9 of 1
5

(d) "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, * whose name has been entered in a State Medical Register and who has such experience or training in gynaecology and obstetrics 102 of
10 as may be prescribed by rules made under this Act.

When pregnancies may be terminated by registered medical practitioners.

3. (1) Notwithstanding anything contained in the Indian Penal Code, a registered, medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act. 45 of
15

(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner,—

(a) where the length of the pregnancy does not exceed twelve weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks, if not less than two registered medical practitioners are, 20

of opinion, formed in good faith, that—

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or 25

(ii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

Explanation I.—Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave inquiry to the mental health of the pregnant woman. 30

Explanation II.—Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman. 35

(3) In determining whether the continuance of a pregnancy would involve such risk of injury to the health as is mentioned in sub-section (2), account may be taken of the pregnant woman's actual or reasonably foreseeable environment. 40

(4) (a) No pregnancy of a woman, who has not attained the age of eighteen years, or, who, having attained the age of eighteen years, is a lunatic, shall be terminated except with the consent in writing of her guardian. 45

(b) Save as otherwise provided in clause (a), no pregnancy shall be terminated except with the consent of the pregnant woman.

4. No termination of pregnancy shall be made in accordance with this Act at any place other than—

- 5 (a) a hospital established or maintained by Government, or
 (b) a place for the time being approved for the purpose of this Act by Government.

Place where pregnancy may be terminated.

5. The provisions of section 4, and so much of the provisions of sub-section (2) of section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to save the life *** of the pregnant woman.

Sections 3 and 4 when not to apply.

15 *Explanation.*—For the purposes of this section, so much of the provisions of clause (d) of section 2 as relate to the possession, by a registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply.

6. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

25 (a) the experience or training, or both, which a registered medical practitioner shall have if he intends to terminate any pregnancy under this Act; and

(b) such other matters as are required to be, or may be, provided by rules made under this Act.

30 (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or
 35 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

40 7. (1) The State Government may, by regulations,—

45 (a) require any such opinion as is referred to in sub-section (2) of section 3 to be certified by a registered medical practitioner or practitioners concerned, in such form and at such time as may be specified in such regulations, and the preservation or disposal of such certificates;

Power to make regulations.

(b) require any registered medical practitioner, who terminates a pregnancy, to give notice of such termination and such other information relating to the termination as may be specified in such regulations;

(c) prohibit the disclosure, except to such persons and for such purposes as may be specified in such regulations, of notices given or information furnished in pursuance of such regulations.

(2) The notice given and the information furnished in pursuance of regulations made by virtue of clause (b) of sub-section (1) shall be given or furnished, as the case may be, to the Chief Medical Officer of the State.

(3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of any regulation made under sub-section (1) shall be liable to be punished with fine which may extend to one thousand rupees.

15

Protec-
tion of
action
taken in
good
faith.

8. No suit or other legal proceeding shall lie against any registered medical practitioner for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

ANNEXURE

(Vide para 12 of the Report)

CLAUSES OF THE BILL AS INTRODUCED IN THE RAJYA SABHA WHICH HAVE BEEN AMENDED BY THE JOINT COMMITTEE

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Termination of Pregnancy Act, 1969. Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “guardian” means a person having the care of the person of a minor or of his property or of both his person and property;

4 of 1912.

(b) “lunatic” has the meaning assigned to it in section 3 of the Indian Lunacy Act, 1912;

9 of 1875.

(c) “minor” means a person who, under the provisions of the Indian Majority Act, 1875, is to be deemed not to have attained his majority;

102 of 1956

(d) “registered medical practitioner” means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and whose name has been entered in a State Medical Register.

45 of 1860.

3. (1) Notwithstanding anything contained in the Indian Penal Code, a registered medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act. When pregnancies may be terminated by registered medical practitioners.

(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by,—

(a) a registered medical practitioner, where the length of the pregnancy does not exceed twelve weeks, or

(b) not less than two registered medical practitioners, acting together, where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks,

if such medical practitioner is, or such medical practitioners are, as the case may be, of opinion, formed in good faith, that—

(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; or

(ii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

Explanation I.—Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation II.—Where any pregnancy occurs as a result of failure of any device used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.

(3) In determining whether the continuance of a pregnancy would involve such risk of injury to the health as is mentioned in sub-section (2), account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(4) (a) No pregnancy of a married woman shall, if such pregnancy is alleged by such woman to have been caused by rape, be terminated except with the consent in writing of her husband, if he is alive or of the guardian of her husband, if her husband is a minor or lunatic.

(b) No pregnancy of a widow, who is a minor or lunatic, shall be terminated except with the consent in writing of the guardian of such widow.

(c) No pregnancy of an unmarried girl, who has not attained the age of eighteen years, shall be terminated except with the consent in writing of her father or of her guardian, if her father is not alive.

(d) No pregnancy of an unmarried woman, who being above the age of eighteen years, is a lunatic, shall be terminated except with the consent in writing of her father or of her guardian, if her father is not alive.

(e) Save as otherwise provided in this sub-section, no pregnancy shall be terminated except with the consent of the pregnant woman.

* * * * *

Sections
3 and 4
when not
to apply.

5. The provisions of section 4 and so much of the provisions of sub-section (2) of section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to have the life, or to save permanent grave injury to the physical or mental health, of the pregnant woman.

APPENDIX I

(Vide para 2 of the Report)

MOTION IN THE RAJYA SABHA FOR REFERENCE OF THE BILL TO A JOINT COMMITTEE

"That the Bill to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto be referred to a Joint Committee of the Houses consisting of 33 members; 11 members from this House, namely:—

1. Dr. (Mrs.) Mangladevi Talwar
2. Shri Narayan Patra
3. Shrimati Usha Barthakur
4. Shri Krishan Kant
5. Dr. S. Chandrasekhar
6. Shri K. P. Mallikarjunudu
7. Shrimati Bindumati Devi
8. Shri Niranjan Varma
9. Shri G. Gopinathan Nair
10. Shri S. A. Khaja Mohideen
11. Shri Mulka Govinda Reddy; and

22 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the first day of the Seventy-first Session of the Rajya Sabha; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

MOTION IN THE LOK SABHA

“That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto, made in the motion adopted by Rajya Sabha at its sitting held on the 8th December, 1969 and communicated to this House on the 10th December, 1969 and do resolve that the following twenty-two members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

- (1) Shri Vidya Dhar Bajpai
- (2) Shri Gangacharan Dixit
- (3) Shri Ganesh Ghosh
- (4) Shri Kameshwar Singh
- (5) Shri S. Kandappan
- (6) Dr. Karni Singh
- (7) Shri Kinder Lal
- (8) Shri P. Viswambharan
- (9) Shri N. R. Laskar
- (10) Hazi Lutfal Haque
- (11) Shri M. R. Masani
- (12) Shri Mohammad Yusuf
- (13) Shri B. S. Murthy
- (14) Shrimati Shakuntala Nayar
- (15) Dr. Sushila Nayar
- (16) Shri Partap Singh
- (17) Shri Ram Swarup
- (18) Dr. M. Santosham
- (19) Shrimati Tara Sapre
- (20) Shri M. R. Sharma
- (21) Shri Babunath Singh
- (22) Shri Jageshwar Yadav.”

APPENDIX III

(Vide para 6 of the Report)

LIST OF INDIVIDUALS ASSOCIATIONS ETC. FROM WHOM MEMORANDA, SUGGESTIONS ETC. WERE RECEIVED BY THE JOINT COMMITTEE

1. Dr. R. Mahadevan, Chief Medical Officer and Surgical Consultant, K.D.H.P. Co. Group of Hospitals, Munnar (Kerala).
2. The Synod of the Church of South India, Madras.
3. The Salvation Army, Western India Territory, Bombay.
4. All India Women's Conference, New Delhi.
5. Shri Shashi Dhar Bajpai, Editor, Hind Manav Seva, Kanpur.
6. The Federation of Obstetric and Gynaecological Societies of India, Bombay.
7. Shri V. Balasubramanian, Editor, Eastern Economist, New Delhi.
8. Shrimati Tara Ali Baig, Vice-President for India, Association for Rural Aid in Medicine, Inc., New Delhi.
9. Dr. Mrs. S. D. Kanitkar, Chief Obst. & Gynaecologist, L.T.M.G. Hospital and L.T.M. Medical College, Bombay.
10. Dr. B. Krishna Rao, New Delhi.
11. The Indian Medical Association, New Delhi.
12. Dr. (Smt.) D. Kulanday, Retd. Director, Maternity & Child Health Deptt., Delhi Municipal Corporation, New Delhi.
13. Dr. G. L. Talwar, Retd. Professor of Surgery and Head of Department, S.M.S. Medical College, Jaipur.
14. Dr. Miss S. D. Bhatavadekar, Bombay.
15. Dr. Y. R. Reddy, Addl. Prof. of Pediatrics, Osmania Medical College and Dy. Sup. & Pediatrician, Institute of Child Health, Niloufer Hospital, Hyderabad.
16. Dr. D. Subbarao, Secretary, Indian Medical Association, Krishna Distt. Br., Machilipatnam.
17. Dr. (Mrs.) P. Madan, Professor and Head of the Deptt. of Obstetrics and Gynaecology, Lady Hardinge Medical College and Hospital, New Delhi.
18. Shri S. A. W. Bukhari, Rector, Madrasa Jamalia, Madras.
19. Dr. (Mrs.) H. M. Sharma, Retd. Director of Health Services and Family Planning, Madras.
20. Shri Khushwant Singh, Editor, Illustrated Weekly of India, Bombay.

APPENDIX IV

(Vide para 7 of the Report)

LIST OF WITNESSES WHO GAVE ORAL EVIDENCE BEFORE THE JOINT COMMITTEE

| Serial No. | Name of witness | Date of hearing |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1 | Shri Shantilal H. Shah, M.P. | 15-6-1970 |
| 2 | Shri V. Balasubramanian, Editor, Eastern Economist, New Delhi | 15-6-1970 |
| 3 | Dr. (Shrimati) Pushpa Madan, Lady Hardinge Hospital, New Delhi | 15-6-1970 |
| 4 | Representative of the All India Women's Conference, New Delhi (i) Shrimati Lakshmi Raghu Ramaiah. (ii) Shrimati Leela Damodar Menon. | 16-6-1970 |
| 5 | Shrimati Naintara Sehgal, New Delhi | 16-6-1970 |
| 6 | Representatives of the Indian Medical Association, New Delhi (i) Dr. P. C. Bhatia (ii) Dr. N. S. Banerjee (iii) Dr. B. Krishna Rao | 17-6-1970 |
| 7 | Shri G. D. Khosla, Retd. Chief Justice, Punjab High Court | 17-6-1970 |
| 8 | Dr. Kartar Singh, New Delhi | 17-6-1970 |
| 9 | Dr. (Shrimati) Daisy Kulanday, Retd. Director, Maternity and Child Health Deptt. Delhi Municipal Corporation, New Delhi | 18-6-1970 |
| 10 | Representative of the Synod of the Church of South India, Madras Shrimati D. L. Gopal Ratnam | 19-6-1970 |
| 11 | Dr. G. L. Talwar, Retd. Professor of Surgery and Head of Department, S.M.S. Medical College, Jaipur | 19-6-1970 |
| 12 | Dr. (Shrimati) Sumati Kanitkar, Lokmanya Tilak M.G. Hospital, Sion, Bombay-22 | 20-6-1970 |
| 13 | Dr. (Shrimati) R. B. Marikar, Retd. Director of Medical Services, Tamil Nadu, Madras-8 | 20-6-1970 |
| 14 | Dr. Y. R. Reddy, Additional Professor of Pediatrics, Osmania Medical College and Deputy Superintendent, Niloufer Hospital, Hyderabad | 22-6-1970 |
| 15 | Dr. Syed Khaleefathullah, Madras | 22-6-1970 |
| 16 | Representatives of the Federation of Obstetric and Gynaecological Societies of India, Bombay (i) Dr. S. B. Anklesaria. (ii) Dr. (Prof.) B. N. Purandare. (iii) Dr. C. L. Jhaveri. | 23-6-1970 |
| 17 | Shri Shashi Dhar Bajpal, Editor, Hindi Manav Seva, Kidwai Nagar, Kanpur | 23-6-1970 |
| 18 | Dr. (Kumari) Sulabha Bhatavadekar, Bombay | 23-6-1970 |

| Serial No. | Name of witness | Date of hearing |
|------------|---------------------------------------------------------------------------------------------------------|-----------------|
| 19 | Pandit Shiva Sharma, M.P. | 14-7-1970 |
| 20 | Dr. (Kumari) Shiva Dua, Principal, Kalandi College, Delhi | 14-7-1970 |
| 21 | Shrimati Dhanvanthi Rama Rau, Ex-President, International Planned Parenthood Association, Bombay | 14-7-1970 |
| 22 | Dr. Diwan Harish Chand, New Delhi | 15-7-1970 |
| 23 | Dr. P. N. V. Kurup, Adviser, ISM, Ministry of Health, Family Planning and Urban Development, New Delhi | 15-7-1970 |
| 24 | Dr. (Shrimati) H. M. Sharma, Retd. Director of Health Services and Family Planning, Tamil Nadu, Madras. | 15-7-1970 |
| 25 | Shri Khushwant Singh, Editor, Illustrated Weekly of India, Bombay | 16-7-1970 |
| 26 | Dr. (Shrimati) Uma Agarwal, Delhi | 6-7-1970 |

APPENDIX V
MINUTES OF THE MEETING OF THE JOINT COMMITTEE

I

FIRST MEETING

The Committee met at 10.00 A.M. on Friday, the 30th January, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shrimati Usha Barthakur
4. Dr. S. Chandrasekhar
5. Shri K. P. Mallikarjunudu
6. Shrimati Bindumati Devi
7. Shri Niranjan Varma
8. Shri G. Gopinathan Nair

Lok Sabha

9. Shri Vidya Dhar Bajpai
10. Shri Ganesh Ghosh
11. Shri Kameshwar Singh
12. Shri S. Kandappan
13. Shri Kinder Lal
14. Shri N. P. Laskar
15. Hazi Lutfal Haque
16. Shri M. P. Masani
17. Shri Mohammad Yusuf
18. Shrimati Shakuntala Nayar
19. Dr. Sushila Nayar
20. Shri Partap Singh
21. Shri Ram Swarup
22. Dr. M. Santosham
23. Shrimati Tara Sapre
24. Shri M. R. Sharma
25. Shri Babunath Singh
26. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES
Ministry of Law

Shri S. K. Maitra, Joint Secretary and Legislative Counsel.
Ministry of Health and Family Planning and Works, Housing and Urban
Development (Department of Family Planning)

Dr. K. N. Kashyap, Commissioner (FP)
Shri D. N. Chaudhri, Deputy Secretary
Dr. G. P. Sen Gupta, Deputy Commissioner (FP)
Dr. S. V. Raja Rao, Assistant Commissioner (FP)
Shri A. P. Atri, Under Secretary.

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary.

2. At the outset, the Chairman welcomed the members of the Committee.

3. The Committee decided that a Press Communiqué be issued inviting memoranda on the Bill from various associations, organisations and individuals interested in the subject-matter of the Bill and advising them to send their memoranda so as to reach the Rajya Sabha Secretariat by the 20th February, 1970.

4. The Committee also decided to call witnesses for giving oral evidence on the Bill and authorised the Chairman to decide, after examining all the memoranda, as to who might be invited to give evidence before the Committee. The Chairman also requested members to suggest names of persons who might be invited for giving oral evidence on the Bill.

5. The Committee desired that copies of the Report of the Committee to Study the Question of Legislation of Abortion (the Shantilal H. Shah Committee) may be supplied to the Members.

6. At 11.00 A.M. the Committee observed two minutes' silence, all members standing, in the memory of those who gave their lives in the struggle for India's Freedom.

7. The Committee decided to ask for extension of time upto the 1st day of 73rd (July-August, 1970) Session of the Rajya Sabha for presentation of their Report and the Chairman was authorised to move the necessary motion in the House.

8. The Chairman was also authorised to fix the date of the next meeting of the Joint Committee on any day during the 2nd Week of March, 1970.

9. The Committee then adjourned at 11.10 A.M.

II

SECOND MEETING

The Committee met at 11.00 A.M. on Saturday, the 7th March, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. S. Chandrasekhar
3. Shri Niranjan Varma
4. Shri G. Gopinathan Nair

Lok Sabha

5. Shri Gangacharan Dixit
6. Shri Kameshwar Singh
7. Shri P. Viswambharan
8. Hazi Lutfal Haque
9. Dr. Sushila Nayar
10. Shri Partap Singh
11. Shri Ram Swarup

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

Shri R. N. Shinghal, Dy. Legislative Counsel

Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Family Planning)

Shri P. S. Appu, Joint Secretary

Shri D. N. Choudhry, Deputy Secretary

Dr. K. N. Kashyap, Commissioner (FP)

Dr. G. P. Sen Gupta, Deputy Commissioner (FP)

Dr. S. V. Raja Rao, Assistant Commissioner (FP)

Shri A. P. Atri, Under Secretary.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary

Shri S. P. Ganguly, Deputy Secretary.

Shri Kishan Singh, Under Secretary

2. Dr. Sushila Nayar and Shri Niranjan Varma suggested names of some witnesses who might be invited to appear before the Committee. The Chairman informed the Committee that he would consider them as well as other names of witnesses that might be suggested by the members. He requested the Members to send their suggestions in the matter to the Rajya Sabha Secretariat at an early date.

3. The Committee decided to meet for 4 to 5 days from the 15th June, 1970 onwards to hear oral evidence of witnesses.

4. The Committee then adjourned at 11.05 A.M. to meet again at 10.30 A.M. on Monday, the 15th June, 1970.

III

THIRD MEETING

The Committee met at 10.00 A.M. on Friday, the 22nd May, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Shri M. Srinivasa Reddy
3. Shrimati Usha Barthakur
4. Shri K. P. Mallikarjunudu
5. Shri Niranjana Varma
6. Shri G. Gopinathan Nair.

Lok Sabha

7. Shri Gangacharan Dixit
8. Shri Kameshwar Singh
9. Shri S. Kandappan
10. Shri Kinder Lal
11. Shri Mohammad Yusuf
12. Shri B. S. Murthy
13. Shri Partap Singh
14. Shri Ram Swarup
15. Shrimati Tara Sapre
16. Shri Babunath Singh
17. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. K. Maitra, Joint Secretary and Legislative Counsel.

Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Family Planning).

Dr. K. N. Kashyap, Commissioner (FP)

Shri P. S. Appu, Joint Secretary (FP)

Dr. (Smt.) S. F. Jalnawalla, Deputy Director (FP)

Shri A. P. Atri, Under Secretary.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary

Shri S. P. Ganguly, Deputy Secretary

Shri Kishan Singh, Under Secretary.

2. At the outset the Chairman welcomed the new members of the Committee.

3. The Chairman informed the members that he had selected 25 witnesses, as per list circulated to the members of the Committee, to be invited to tender oral evidence before the Committee from the 15th June, 1970 onwards. The Chairman agreed to include in the list of witnesses, names of two witnesses suggested by Shrimati Tara Sapre and one witness suggested by Shri M. Srinivasa Reddy.

4. Shri B. S. Murthy, Minister of State in the Ministry of Health and Family Planning and Works, Housing and Urban Development, suggested that from the 15th June, 1970, when the Committee would meet at Delhi, for recording oral evidence the sittings might be held from 9.00 A.M. to 1.00 P.M. and there may not be any sitting in the afternoon. In this connection some members pointed out that Delhi being excessively hot in the month of June it will neither be possible for them to sit for long hours daily nor continuously for a number of days to hear oral evidence of all those witnesses. They, therefore, felt that if the Committee were to meet at a place which has a cool climate, they would be able to devote longer hours to the work and if necessary also sit for more days to complete at a stretch recording of evidence. The names of Ootacamund in Tamil Nadu or Shillong in Assam were suggested as the possible venue of the next series of sittings of the Committee. The Committee then unanimously agreed that the Chairman of the Joint Committee might approach the Chairman, Rajya Sabha for his permission to allow the Committee to hold their next series of sittings at either of the two places i.e., Ootacamund or Shillong for a week or so from 15th June, 1970 onwards.

The Chairman informed the Committee that if the said permission of the Chairman, Rajya Sabha was not forthcoming, the Committee would then commence their sittings in Delhi from the 15th June, 1970 onwards to hear oral evidence and that the daily sittings would be from 9.00 A.M. to 1.00 P.M. He also informed the Committee that in view of the large number of witnesses, who would be appearing before the Committee, may perhaps be necessary for the Committee to meet for a couple of days more than was earlier decided.

5. The Chairman announced that the decision of the Chairman, Rajya Sabha and the programme of hearing oral evidence from witnesses from the 15th June, 1970 will be intimated to the Members sufficiently in advance of the date of the first day's meeting.

6. The Committee then adjourned at 10.35 A.M. to meet again on Monday, the 15th June, 1970.

IV

FOURTH MEETING

The Committee met at 9.00 A.M. on Monday, the 15th June, 1970.

Present

1. Shri Mulka Govinda Reddy—Chairman.

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy

4. Shrimati Usha Barthakur
5. Shri Krishan Kant
6. Shri Sawaisingh Sisodia
7. Shri K. P. Mallikarjunudu
8. Shrimati Bindumati Devi
9. Shri Niranjan Varma
10. Shri G. Gopinathan Nair.

Lok Sabha

11. Shri Vidya Dhar Bajpai
12. Shri Gangacharan Dixit
13. Shri Ganesh Ghosh
14. Shri Kameshwar Singh
15. Shri Kinder Lal
16. Shri P. Viswambharan
17. Shri N. R. Laskar
18. Hazi Lutfal Haque
19. Shri M. R. Masani
20. Shri Mohammad Yusuf
21. Shrimati Shakuntala Nayyar
22. Dr. Sushila Nayar
23. Shri Partap Singh
24. Shri Ram Swarup
25. Shrimati Tara Sapre
26. Shri M. R. Sharma
27. Shri Babunath Singh
28. Shri Jageshwar Yadav

Shri K. K. Shah, Minister of Health and Family Planning and Works, Housing and Urban Development, attended the meeting by special invitation.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shrimati V. S. Rama Devi, Deputy Legislative Counsel.

*Ministry of Health and Family Planning and Works, Housing
and Urban Development (Department of Family
Planning)*

Dr. K. N. Kashyap, Commissioner (FP)

Dr. G. P. Sen Gupta, Dy. Commissioner (FP)

Dr. I. Bhushan Rao, Dy. Commissioner (FP)

Shri A. N. Varma, Deputy Secretary

Dr. S. V. Raja Rao, Asstt. Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)

Shri A. P. Atri, Under Secretary.

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary.

WITNESSES

- (1) Shri Shantilal H. Shah, M.P.
- (2) Shri V. Balasubramanian, Editor, Eastern Economist, New Delhi.
- (3) Dr. (Smt.) Pushpa Madan, Lady Hardinge Hospital, New Delhi.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri Shantilal H. Shah, M.P.
2. Shri V. Balasubramanian
3. Dr. (Smt.) Pushpa Madan.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.45 P.M. to meet again at 9.00 A.M. on Tuesday, the 16th June, 1970.

V

FIFTH MEETING

The Committee met at 9.00 A.M. on Tuesday, the 16th June, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*.

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shri Krishan Kant
6. Shri K. P. Mallikarjunudu
7. Shrimati Bindumati Devi
8. Shri G. Gopinathan Nair
9. Shri S. A. Khaja Mohideen
10. Shri Niranjana Varma.

Lok Sabha

11. Shri Vidya Dhar Bajpai

12. Shri Gangacharan Dixit
13. Shri Ganesh Ghosh
14. Shri Kameshwar Singh
15. Shri Kinder Lal
16. Shri P. Viswambharan
17. Shri N. R. Laskar
18. Hazi Lutfal Haque
19. Shrimati Shakuntala Nayar
20. Dr. Sushila Nayar
21. Shri Partap Singh
22. Shri Ram Swarup
23. Shrimati Tara Sapre
24. Shri M. R. Sharma
25. Shri Babunath Singh.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shrimati V. S. Rama Devi, Deputy Legislative Counsel.

*Ministry of Health and Family Planning and Works, Housing
and Urban Development (Department of Family
Planning)*

Dr. K. N. Kashyap (Commissioner (FP))

Dr. S. V. Raja Rao, Asstt. Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I).

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary.

WITNESSES

- (1) Representatives of the All India Women's conference, New Delhi.
 - (i) Smt. Lakshmi Raghu Ramiah, Vice-President.
 - (ii) Smt. Leela Damodar Menon, Hon. General Secretary.
- (2) Smt. Naintara Sehgal, New Delhi.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Representatives of the All India Women's Conference, New Delhi.

(ii) Smt. Naintara Sehgal.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 11.40 A.M. to meet again at 9.00 A.M. on Wednesday, the 17th June, 1970.

VI

SIXTH MEETING

The Committee met at 9.00 A.M. on Wednesday, the 17th June, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shri K. P. Mallikarjunudu
6. Shrimati Bindumati Devi
7. Shri Niranjan Varma
8. Shri Gopinathan Nair
9. Shri S. A. Khaja Mohideen

Lok Sabha

10. Shri Vidya Dhar Bajpai
11. Shri Gangacharan Dixit
12. Shri Ganesh Ghosh
13. Shri Kameshwar Singh
14. Shri Kinder Lal
15. Shri P. Viswambharan
16. Shri N. R. Laskar
17. Hazi Lutfal Haque
18. Dr. Sushila Nayar
19. Shri Partap Singh
20. Shri Ram Swarup
21. Shrimati Tara Sapre
22. Shri M. R. Sharma
23. Shri Babunath Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shrimati V. S. Rama Devi, Dy. Legislative Counsel

Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Family Planning)

Dr. K. N. Kashyap, Commissioner (FP)

Dr. I. Bhushan Rao, Deputy Commissioner (FP)
 Shri D. N. Chaudhri, Deputy Secretary
 Dr. S. V. Raja Rao, Asstt. Commissioner (FP)
 Dr. (Smt.) S. F. Jalnawalla, Deputy Director (I)
 Shri A. P. Atri, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary
 Shri M. K. Jain, Under Secretary

WITNESSES

(1) Representatives of the Indian Medical Association, New Delhi:

- (i) Dr. P. C. Bhatla, Hony. General Secretary
- (ii) Dr. N. S. Banerjee, Hony. Joint Secretary
- (iii) Dr. B. Krishna Rao, M.B. B.S.

(2) Shri G. D. Khosla, Retd. Chief Justice, Punjab High Court, 16, Teen Murti Lane, New Delhi.

(3) Dr. Kartar Singh, M.B., B.S., FRCS, National Clinic, Jangpura-A, New Delhi.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Representatives of the Indian Medical Association, New Delhi
- (ii) Shri G. D. Khosla
- (iii) Dr. Kartar Singh

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.20 P.M. to meet again at 10.15 A.M. on Thursday, the 18th June, 1970.

VII

SEVENTH MEETING

The Committee met at 10.15 A.M. on Thursday, the 18th June, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

- 2. Dr. (Mrs.) Mangladevi Talwar
- 3. Shri M. Srinivasa Reddy
- 4. Shrimati Usha Barthakur
- 5. Shri K. P. Mallikarjunudu
- 6. Shrimati Bindumati Devi

7. Shri G. Gopinathan Nair
8. Shri S. A. Khaja Mohideen

Lok Sabha

9. Shri Vidya Dhar Bajpai
10. Shri Gangacharan Dixit
11. Shri Ganesh Ghosh
12. Shri Kameshwar Singh
13. Shri Kinder Lal
14. Shri P. Viswambharan
15. Shri N. R. Laskar
16. Hazi Lutfal Haque
17. Shri Mohammad Yusuf
18. Shri B. S. Murthy
19. Shrimati Shakuntala Nayar
20. Dr. Sushila Nayar
21. Shri Partap Singh
22. Shri Ram Swarup
23. Shrimati Tara Sapre
24. Shri M. R. Sharma
25. Shri Babunath Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing and Urban
Development (Department of Family Planning)*

Shri R. N. Madhok, Joint Secretary

Dr. K. N. Kashyap, Commissioner (FP)

Dr. I. Bhushan Rao, Dy. Commissioner (FP)

Dr. S. V. Raja Rao, Asstt. Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)

Shri A. P. Atri, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary

WITNESS

Dr. (Smt.) Daisy Kulanday, Retd. Director, Maternity and Child
Health Department, Municipal Corporation, Delhi.

2. The Committee heard the oral evidence tendered by Dr. (Smt.) Daisy Kulanday.

A verbatim record of the evidence was kept.

3. The Chairman informed the Committee that Shri Shashi Dhar Bajpai, Editor, Hind Manav Sewa, Kanpur, the next witness had sent word that because of his illness he will not be in a position to appear before the Committee.

4. The Committee thereafter considered their future programme of sittings and decided to meet from 14th to 16th July, 1970, for recording further evidence on the Bill. It was also decided that the following persons, whose names were suggested by the members, should be invited tender oral evidence on those days:—

- (1) Pt. Shiv Sharma, M.P.
- (2) Dr. P. N. V. Kurup, Adviser, ISM, Ministry of Health.
- (3) Dr. Harish Chandra, New Delhi.
- (4) Dr. Syed Abdul Wahab Bucari, Principal, Jamalia College, Perambur, Madras.
- (5) Dr. P. Bhaskara Reddy, P.O. Kavali, Nellore District (A.P.)
- (6) Shri Khushwant Singh, Editor, Illustrated Weekly of India, Bombay.
- (7) Dr. (Smt.) Uma Agarwal, 16, Ram Kishore Road, Delhi.
- (8) Smt. Madalsa Behn, C/o H.E. Shri Sriman Narayan, Governor of Gujarat, Raj Bhavan, Ahmedabad.
- (9) Mrs. Neera Dogra, Chairman, Central Social Welfare Board, New Delhi.

5. The Committee then adjourned at 12.50 P.M. to meet again at 9.00 A.M. on Friday, the 19th June, 1970.

VIII

EIGHTH MEETING

The Committee met at 9.00 A.M. on Friday, the 19th June, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shrimati Bindumati Devi
6. Shri Niranjana Varma
7. Shri G. Gopinathan Nair
8. Shri S. A. Khaja Mohideen

Lok Sabha

9. Shri Gangacharan Dixit

10. Shri Ganesh Ghosh
11. Shri Kinder Lal
12. Shri P. Viswambharan
13. Shri N. R. Laskar
14. Hazi Lutfal Haque
15. Shri Mohammad Yusuf
16. Shri B. S. Murthy
17. Shrimati Shakuntala Nayar
18. Dr. Sushila Nayar
19. Shri Partap Singh
20. Shri Ram Swarup
21. Dr. M. Santosham
22. Shrimati Tara Sapre
23. Shri M. R. Sharma
24. Shri Babunath Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing and Urban
Development (Department of Family Planning)*

Shri R. N. Madhok, Joint Secretary

Dr. K. N. Kashyap, Commissioner (FP)

Dr. I. Bhushan Rao, Dy. Commissioner (FP)

Dr. S. V. Raja Rao, Asstt. Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)

Shri A. P. Atri, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary.

WITNESSES

(1) Representative of the Synod of the Church of South India,
Madras:—

Shrimati D. L. Gopal Ratnam, Member of the Executive of the
Synod

(2) Dr. G. L. Talwar, M.B.B.S. (London), L.R.C.P. (London),
F.R.C.S. (Edin), Retd. Professor of Surgery and Head of Department,
S.M.S. College, Jaipur.

2. The Committee heard the oral evidence tendered by the following
witnesses:—

(i) Representative of the Synod of the Church of South India,
Madras.

(ii) Dr. G. L. Talwar

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.30 P.M. to meet again at 10.30 A.M. on Saturday, the 20th June, 1970.

IX

NINTH MEETING

The Committee met at 10.30 A.M. on Saturday, the 20th June, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shri K. P. Mallikarjunudu
6. Shrimati Bindumati Devi
7. Shri Niranjana Varma.

Lok Sabha

8. Shri Gangacharan Dixit
9. Shri Ganesh Ghosh
10. Shri Kinder Lal
11. Hazi Lutfal Haque
12. Shri B. S. Murthy
13. Shrimati Shakuntala Nayar
14. Dr. Sushila Nayar
15. Shri Partap Singh
16. Shri Ram Swarup
17. Dr. M. Santosham
18. Shrimati Tara Sapre
19. Shri M. R. Sharma
20. Shri Babunath Singh

REPRESENTATIVES OF THE MINISTRIES

Shri S. Ramaiah, Deputy Legislative Counsel.

Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Family Planning)

Shri R. N. Madhok, Joint Secretary

Dr. K. N. Kashyap, Commissioner (FP)

Dr. G. P. Sen Gupta, Dy. Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)

Shri A. P. Atri, Under Secretary.

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary.

WITNESSES

- (1) Dr. (Smt.) R. B. Marikar, M.D., D.G.O: Retd: Director of Medical Services, Tamil Nadu, Madras.
- (2) Dr. (Smt.) Sumati Karitkar, M.D., F.C.P.S., Lokmanya Tilak M.G. Hospital, Sion, Bombay.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Dr. (Smt.) R. B. Marikar
- (ii) Dr. (Smt.) Sumati Karitkar.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.45 P.M. to meet again at 9.00 A.M. on Monday, the 22nd June, 1970.

X

TENTH MEETING

The Committee met at 9.30 A.M. on Monday, the 22nd June, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*.

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shri Sawaisingh Sisodia
6. Shrimati Bindumati Devi
7. Shri G. Gopinathan Nair
8. Shri S. A. Khaja Mohideen.

Lok Sabha

9. Shri Vidya Dhar Bajpai
10. Shri Gangacharan Dixit
11. Shri Ganesh Ghosh
12. Shri P. Viswambharan
13. Shri N. R. Laskar
14. Hazi Lutfal Haque
15. Shri B. S. Murthy
16. Shrimati Shakuntala Nayar
17. Dr. Sushila Nayar
18. Shri Partap Singh
19. Shri Ram Swarup
20. Shrimati Tara Sapre

21. Shri M. R. Sharma
22. Shri Babunath Singh
23. Shri Jageshwar Yadav.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel.

Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Family Planning)

- Dr. K. N. Kashyap, Commissioner (FP)
 Dr. G. P. Sen Gupta, Dy. Commissioner (FP)
 Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)
 Shri A. P. Atri, Under Secretary.

SECRETARIAT

- Shri S. P. Ganguly, Deputy Secretary
 Shri M. K. Jain, Under Secretary.

WITNESSES

- (1) Dr. Y. R. Reddy, M.D., Additional Professor of Pediatrics, Osmania Medical College and Dy. Supdt., Niloufer Hospital, Hyderabad.
- (2) Dr. Syed Khaleelfathullah, G.C.I.M., D.M. & S., Madras.

2. The witness invited to tender oral evidence before the Committee at 9.00 A.M., namely, Dr. D. Subbarao, Secretary, Indian Medical Association, Machilipatnam Branch, Godugupet, Machilipatnam (A.P.) did not appear before the Committee.

3. The Committee discussed their programme of recording further oral evidence on the Bill from 14th to 16th July, 1970 and decided to meet daily at 9.00 A.M. on those days and also in the afternoon on the 15th July, 1970 to hear oral evidence from the following 11 witnesses:—

1. Pandit Shiv Sharma, M.P.
2. Dr. Kumari Shiva Dua, New Delhi.
3. Smt. Madalsa Behn, Ahmedabad.
4. Dr. Harish Chandra, New Delhi.
5. Dr. P. N. V. Kurup, New Delhi.
6. Dr. P. Bhaskara Reddy, Nellore.
7. Shrimati Neera Gogra, New Delhi.
8. Dr. (Smt.) H. M. Sarma, Madras.
9. Shri Khushwant Singh, Bombay.
10. Dr. Shrimati Uma Agarwal, New Delhi.
11. Dr. Syed Abdul Wahab Bucari, Madras.

4. The Committee thereafter heard the oral evidence tendered by the following witnesses:—

- (i) Dr. Y. R. Reddy
- (ii) Dr. Syed Khaleefathullah

A verbatim record of the evidence was kept.

5. The Committee then adjourned at 12.45 P.M. to meet again at 9.00 A.M. on Tuesday, the 23rd June, 1970.

XI

ELEVENTH MEETING

The Committee met at 9.10 A.M. on Tuesday, the 23rd June, 1970.

MEMBERS

Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

- 2. Dr. (Mrs.) Mangladevi Talwar
- 3. Shri M. Srinivasa Reddy
- 4. Shrimati Usha Barthakur
- 5. Shri Sawaisingh Sisodia
- 6. Shrimati Bindumati Devi
- 7. Shri G. Gopinathan Nair
- 8. Shri S. A. Khaja Mohideen

Lok Sabha

- 9. Shri Vidya Dhar Bajpai
- 10. Shri Gangacharan Dixit
- 11. Shri Ganesh Ghosh
- 12. Shri Kinder Lal
- 13. Shri P. Viswambharan
- 14. Shri N. R. Laskar
- 15. Hazi Lutfal Haque
- 16. Shri Mohammad Yusuf
- 17. Shri B. S. Murthy
- 18. Shrimati Shakuntala Nayar
- 19. Dr. Sushila Nayar
- 20. Shri Partap Singh
- 21. Shrimati Tara Sapre
- 22. Shri M. R. Sharma
- 23. Shri Babunath Singh
- 24. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel.

*Ministry of Health and Family Planning and Works, Housing
and Urban Development (Department of Family Planning)*

Dr. K. N. Kashyap, Commissioner (FP)
Dr. S. V. Raja Rao, Asstt. Commissioner (FP)
Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)
Shri A. P. Atri, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary
Shri M. K. Jain, Under Secretary

WITNESSES

- (1) Representatives of the Federation of Obstetric and Gynaecological Societies of India, Bombay:—
 - (i) Dr. S. B. Anklesaria, President
 - (ii) Dr. (Prof.) B. N. Purandare
 - (iii) Dr. C. L. Jhaveri, Hony. Secretary.
- (2) Shri Shashi Dhar Bajpai, Editor, Hind Manav Seva, Kanpur,
- (3) Dr. (Miss) Sulabha Bhatavadekar, M.B.B.S., D.G.O., Bhatavadekar's Maternity Hospital, Bombay.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Representatives of the Federation of Obstetric and Gynaecological Societies of India, Bombay.
- (ii) Shri Shashi Dhar Bajpai
- (iii) Dr. (Miss) Sulabha Bhatavadekar

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.00 P.M. to meet again at 9.00 A.M. on Tuesday, the 14th July, 1970.

XII

TWELFTH MEETING

The Committee met from 9.00 A.M. to 1.40 P.M. and again from 3.30 P.M. to 4.45 P.M. on Tuesday, the 14th July, 1970:

PRESENT

Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shrimati Usha Barthakur
4. Shri Krishan Kant
5. Shri Sawaisingh Sisodia
6. Shri K. P. Mallikarjunudu

7. Shrimati Bindumati Devi
8. Shri Niranjan Varma
9. Shri G. Gopinathan Nair
10. Shri S. A. Khaja Mohideen

Lok Sabha

11. Shri Vidya Dhar Bajpai
12. Shri Gangacharan Dixit
13. Shri Ganesh Ghosh
14. Shri Kinder Lal
15. Shri N. R. Laskar
16. Hazi Lutfal Haque
17. Shri Mohammad Yusuf
18. Shri B. S. Murthy
19. Shrimati Shakuntala Nayar
20. Dr. Sushila Nayar
21. Shri Partap Singh
22. Shri Ram Swarup
23. Shrimati Tara Sapre
24. Shri M. R. Sharma
25. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri R. N. Shinghal, Deputy Legislative Counsel

Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing and Urban
Development (Department of Family Planning)*

Dr. K. N. Kashyap, Commissioner (FP)

Shri D. N. Chaudhri, Deputy Secretary

Dr. I. Bhanu Rao, Dy. Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)

Shri A. P. Atri, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary

WITNESSES

- (1) Pt. Shiv Sharma, M.P.
- (2) Dr. (Kumari) Shiva Dua, Principal, Kalandi College, Delhi.
- (3) Smt. Dhanvanthi Rama Rau, Ex-President, International Planned Parenthood Association, Bombay.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Pt. Shiv Sharma, M.P.
- (ii) Dr. (Kumari) Shiva Dua
- (iii) Smt. Dhanvanthi Rama Rau

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 4.45 P.M. to meet again at 9.00 A.M. on Wednesday, the 15th July, 1970.

XIII

THIRTEENTH MEETING

The Committee met from 9.10 A.M. to 1.10 P.M. and again from 4.05 P.M. to 5.15 P.M. on Wednesday, the 15th July, 1970.

PRESENT

Shri Mulka Govinda Reddy—*Chairman*
MEMBERS

Rajya Sabha

- 2. Dr. (Mrs.) Mangladevi Talwar
- 3. Shri M. Srinivasa Reddy
- 4. Shrimati Usha Barthakur
- 5. Shri Krishan Kant
- 6. Shri Sawaisingh Sisodia
- 7. Shri K. P. Mallikarjunudu
- 8. Shrimati Bindumati Devi
- 9. Shri Niranjana Varma
- 10. Shri G. Gopinathan Nair

Lok Sabha

- 11. Shri Vidya Dhar Bajpai
- 12. Shri Gangacharan Dixit
- 13. Shri Ganesh Ghosh
- 14. Shri S. Kandappa
- 15. Shri P. Viswambharan
- 16. Shri N. R. Laskar
- 17. Hazi Lutfal Haque
- 18. Shri B. S. Murthy
- 19. Shrimati Shakuntala Nayar
- 20. Dr. Sushila Nayar
- 21. Shri Partap Singh
- 22. Shri Ram Swarup
- 23. Shrimati Tara Sapre
- 24. Shri M. R. Sharma

25. Shri Babunath Singh
26. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri R. N. Shinghal, Deputy Legislative Counsel
 Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing and Urban
 Development (Department of Family Planning)*

Dr. K. N. Kashyap, Commissioner (FP)
 Dr. I. Bhushan Rao, Dy. Commissioner (FP)
 Dr. (Smt.) S. F. Jainawalla, Dy. Director (I)
 Shri A. P. Atri, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary
 Shri M. K. Jain, Under Secretary

WITNESSES

- (1) Dr. Diwan Harish Chand, M.B.B.S., L.R.C.P. (Edin.),
 D:T:M:&H: (L'Pool), F.F. Hom (Lond.), New Delhi.
- (2) Dr. P. N. V. Kurup, Adviser, Indigenous Systems of Medicine,
 Ministry of Health and Family Planning and Works, Housing
 and Urban Development, New Delhi.
- (3) Dr. (Smt.) H. M. Sharma, M.B.B.S.; (B.S.Sc., M.P.H.
 (Harv.), Retd. Director of Health Services and Family Planning,
 Tamil Nadu, Madras.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Dr. Diwan Harish Chand
- (ii) Dr. P. N. V. Kurup
- (iii) Dr. (Smt.) H. M. Sharma

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 5.15 P.M. to meet again at 9.00 A.M. on Thursday, the 16th July, 1970.

XIV

FOURTEENTH MEETING

The Committee met at 9.00 A.M. on Thursday, the 16th July, 1970

PRESENT

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shri Krishan Kant
6. Shri Sawaisingh Sisodia
7. Shri K. P. Mallikarjunudu
8. Shrimati Bindumati Devi
9. Shri G. Gopinathan Nair

Lok Sabha

10. Shri Vidya Dhar Bajpai
11. Shri Gangacharan Dixit
12. Shri Ganesh Ghosh
13. Shri Kameshwar Singh
14. Shri S. Kandappan
15. Shri P. Viswambharan
16. Shri N. R. Laskar
17. Hazi Lutfal Haque
18. Shri Mohammad Yusuf
19. Shri B. S. Murthy
20. Shrimati Shakuntala Nayar
21. Dr. Sushila Nayar
22. Shri Partap Singh
23. Shri Ram Swarup
24. Shrimati Tara Sapre
25. Shri M. R. Sharma
26. Shri Babunath Singh
27. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES*Ministry of Law*

Shri R. N. Shinghal, Deputy Legislative Counsel

Shri S. Ramaiah, Deputy Legislative Counsel

Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Family Planning)

Shri R. N. Madho, Joint Secretary

Dr. K. N. Kashyap, Commissioner (FP)

Shri D. N. Chaudhri, Deputy Secretary

Dr. I. Bhushan Rao, Dy. Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Dy. Director (I)

Shri A. P. Atri, Under Secretary.

SECRETARIAT

Shri S. P. Ganguly, Deputy Secretary
Shri M. K. Jain, Under Secretary.

WITNESSES

- (1) Shri Khushwant Singh, Editor, Illustrated Weekly of India, Bombay.
- (2) Shrimati Uma Agarwal, Ex-Pratinidhi, Kasturba Gandhi National Memorial Trust, 16, Ram Kishore Road, Delhi.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri Khushwant Singh
- (ii) Shrimati Uma Agarwal

A berbatim record of the evidence was kept.

3. The Committee thereafter considered the question whether any more witnesses be invited to tender oral evidence on the Bill. After some discussion it was decided that no more witnesses need be invited for giving evidence on the Bill.

4. The Committee decided to ask for extension of time for the presentation of their Report upto the first day of the 74th (November-December, 1970) session of the Rajya Sabha and the Chairman was authorised to move the necessary motion in the House.

5. The Committee desired that the views of the State Governments on the Bill obtained by the Ministry of Health and Family Planning and Works, Housing and Urban Development may be circulated to the members of the Committee. Shri B. S. Murthy, Minister of State in that Ministry agreed to do so.

6. The Committee decided to meet some time during the last week of August, 1970 to decide about the series of sittings when they would take up clause-by-clause consideration of the Bill. The Chairman was authorised to fix the time and date for that meeting.

7. The Committee then adjourned at 12.25 p.m.

XV

FIFTEENTH MEETING

The Committee met at 10.05 A.M. on Saturday, the 29th August, 1970.

PRESENT

1. Shri Mulka Govinda Reddy—*Chairman*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri Krishan Kant
4. Shri K. P. Mallikarjunudu
5. Shri G. Gopinathan Nair

Lok Sabha

6. Shri Gangacharan Dixit
7. Shri Ganesh Ghosh
8. Shri S. Kandappan
9. Shri N. R. Laskar
10. Hazi Lutfal Haque
11. Shri B. S. Murthy
12. Dr. Sushila Nayar
13. Shri Partap Singh
14. Shri M. R. Sharma
15. Shri Babunath Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing and Urban
Development (Department of Family Planning)*

Shri R. N. Madhok Joint Secretary

Dr. (Kumari) L. V. Phatak, Commissioner (FP)

Shri D. N. Chaudhari, Deputy Secretary

Dr. I. Bhooshana Rao, Deputy Commissioner (FP)

Dr. G. P. Sen Gupta, Deputy Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Deputy Director (I)

Shri A. P. Atri, Under Secretary.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary
 Shri S. P. Ganguly, Deputy Secretary
 Shri M. K. Jain, Under Secretary.

2. The Committee considered their programme of sittings for clause-by-clause consideration of the Bill and decided to meet daily from 10.00 A. M. to 1.00 P.M. from the 21st to 26th September, 1970, for the purpose.

3. The Committee also decided that Members desirous of giving notices of amendments to the Bill should send them so as to reach the Rajya Sabha Secretariat by the 15th September, 1970. The Committee desired that the Ministry's amendments should also be sent to the Secretariat by the same date.

4. The Committee directed that the whole of the evidence tendered before them be printed for circulation to the Members of both the Houses.

5. The Committee then adjourned at 10.30 A. M. to meet again at 10.00 A. M. on Monday, the 21st September, 1970.

 XVI

SIXTEENTH MEETING

The Committee met at 10.00 A.M. on Monday, the 21st September, 1970.

MEMBERS PRESENT

Rajya Sabha

1. Shri Krishan Kant—*in the Chair*
2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shri K. P. Mallikarjunudu
6. Shri S. A. Khaja Mohideen

Lok Sabha

7. Shri Vidya Dhar Bajpai
8. Shri Gangacharan Dixit
9. Shri Ganesh Ghosh
10. Shri Kameshwar Singh
11. Shri S. Kandappan

12. Shri N. R. Laskar
13. Shri B. S. Murthy
14. Shrimati Shakuntala Nayar
15. Dr. Sushila Nayar
16. Shri Partap Singh
17. Shrimati Tara Sapre
18. Shri M. R. Sharma
19. Shri Babunath Singh
20. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel.

Shri R. N. Shinghal, Deputy Legislative Counsel.

*Ministry of Health and Family Planning and Works, Housing
and Urban Development (Department of Family Planning)*

Shri R. N. Madhok, Joint Secretary.

Shri D. N. Chaudhari, Deputy Secretary.

Dr. I. Bhooshana Rao, Deputy Commissioner (FP)

Dr. G. P. Sen Gupta, Deputy Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Deputy Director (I)

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri S. P. Ganguly, Deputy Secretary.

2. The Committee were informed that the Chairman had sent an intimation to the effect that he would not be able to attend the meetings of the Committee to be held on 21st and 22nd September, 1970. Thereafter, Shri Krishan Kant was voted to the Chair.

3. The Committee took up clause-by-clause consideration of the Bill.

CLAUSE 2

The following amendments were accepted:—

- (i) Page 1, line 9, after the words "a minor" insert "or a lunatic";
- (ii) Page 1, line 9, delete the words "or of his property or of both his person and property"; and
- (iii) Page 1, for lines 15—18, substitute the following:—

'(d) "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act,

1956, whose name has been entered in a State Medical Register and who has such experience or training in gynaecology and obstetrics as may be prescribed by rules made under this Act.'

The clause, as amended, was adopted.

CLAUSE 3

The following amendments were accepted:—

(i) Page 2, for lines 5—13, substitute the following:—

“(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner:—

(a) where the length of the pregnancy does not exceed twelve weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks, if not less than two registered medical practitioners are

of opinion, formed in good faith, that—”

(ii) Page 2, line 15, for the word “injury” substitute “grave injury”.

While considering sub-clause (2) (b) the Committee decided that provision should be made at the appropriate place in the Bill also for termination of pregnancy beyond twenty weeks if there was a substantial risk that the child when born would suffer from such physical or mental abnormalities as to be seriously handicapped. The Committee also decided that in such cases pregnancy should be terminated by not less than two registered medical practitioners acting together. The Legislative Counsel was accordingly directed to submit a suitable draft for the consideration of the Committee.

The Committee had concluded consideration of sub-clause (2) (b) (ii) when they adjourned for the day.

4. The Committee adjourned at 1.10 P.M. to meet again at 11 A.M. on Tuesday, the 22nd September, 1970.

XVII

SEVENTEENTH MEETING

The Committee met at 11.00 A.M. on Tuesday, the 22nd September, 1970.

MEMBERS PRESENT

Rajya Sabha

1. Shri Krishan Kant—*in the Chair*
2. Shri M. Srinivasa Reddy

3. Shrimati Usha Barthakur
4. Shri Sawaisingh Sisodia
5. Shri K. P. Mallikarjunudu
6. Shrimati Bindumati Devi
7. Shri G. Gopinathan Nair
8. Shri S. A. Khaja Mohideen

Lok Sabha

9. Shri Vidya Dhar Bajpai
10. Shri Gangacharan Dixit
11. Shri Ganesh Ghosh
12. Shri S. Kandappan
13. Shri N. R. Laskar
14. Hazi Lutfal Haque
15. Shri B. S. Murthy
16. Shrimati Shakuntala Nayar
17. Dr. Sushila Nayar
18. Shri Partap Singh
19. Shrimati Tara Sapre
20. Shri M. R. Sharma
21. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing
and Urban Development (Department of Family Planning)*

Shri R. N. Madhok, Joint Secretary
Shri D. N. Chaudhari, Deputy Secretary
Dr. I. Bhooshana Rao, Deputy Commissioner (FP)
Dr. G. P. Sen Gupta, Deputy Commissioner (FP)
Dr. (Smt.) S. F. Jalnawalla, Deputy Director (I)

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary
Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary.

2. In the absence of the Chairman, Shri Krishan Kant was voted to the Chair.

3. The Committee resumed clause-by-clause consideration of the Bill.

CLAUSE 3 (contd.)

The following further amendments were accepted:—

(i) Page 2, line 25, after the word "device" insert "or method";

(ii) Page 2, line 32, after the word "environment" add "or circumstances";

(iii) Page 2 for lines 33—46, substitute the following:

"4(a) no pregnancy of a woman, who has not attained the age of 18 years, or, who having attained the age of 18 years, is a lunatic shall be terminated except with the consent in writing of her guardian".

The clause, as amended, was adopted.

CLAUSE 4

The clause was adopted without any change.

CLAUSE 5

The Committee considered the draft amendment to the clause submitted by Government in pursuance of the Committee's decision taken yesterday. After some discussion, the Committee directed that a revised draft of the amendment should be placed before the Committee in the light of suggestions made at the meeting. The clause was therefore held over.

NEW CLAUSE 5A

The following new clause was added:—

5A. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the experience or training, or both, which a registered medical practitioner shall have if he intends to terminate any pregnancy under this Act; and

(b) such other matters as are required to be, or may be, provided by rules made under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

4. The Committee then adjourned at 1.20 p.m. to meet again at 10.00 a.m. on Wednesday, the 23rd September, 1970.

XVIII

EIGHTEENTH MEETING

The Committee met at 10.00 a.m. on Wednesday, the 23rd September, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri M. Srinivasa Reddy
3. Shrimati Usha Barthakur
4. Shri Krishan Kant
5. Shri Sawaisingh Sisodia
6. Shri K. P. Mallikarjunudu
7. Shrimati Bindumati Devi
8. Shri G. Gopinathan Nair

Lok Sabha

9. Shri Vidya Dhar Bajpai
10. Shri Gangacharan Dixit

11. Shri Ganesh Ghosh
12. Shri Kameshwar Singh
13. Shri S. Kandappan
14. Shri N. R. Laskar
15. Hazi Lutfal Haque
16. Shri B. S. Murthy
17. Shrimati Shakuntala Nayar
18. Dr. Sushila Nayar
19. Shri Partap Singh
20. Shri Ram Swarup
21. Shrimati Tara Sapre
22. Shri M. R. Sharma
23. Shri Jageshwar Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing
and Urban Development (Department of Family Planning)*

Shri R. N. Madhok, Joint Secretary

Dr. (Kumari) L. V. Phatak, Commissioner (FP)

Shri D. N. Chaudhuri, Deputy Secretary

Dr. I. Bhooshana Rao, Deputy Commissioner (FP)

Dr. G. P. Sen Gupta, Deputy Commissioner (FP)

Dr. (Smt.) S. F. Jalnawalla, Deputy Director (I)

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary

Shri S. P. Ganguly, Deputy Secretary

Shri M. K. Jain, Under Secretary

2. The Committee resumed clause-by-clause consideration of the Bill.

CLAUSE 6

The clause was adopted without any change.

CLAUSE 5

The Committee then took up clause 5, the consideration of which was held over and adopted the same in the following revised form:—

5. "Sections 3 and 4 when not to apply.—The provisions of section 4 and so much of the provisions of sub-section (2) of section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary on any of the following grounds, namely:—

- (i) to save the life of the pregnant woman;
- (ii) to save permanent grave injury to the physical or mental health of the pregnant woman; or
- (iii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped:

Provided that where the length of the pregnancy exceeds twenty weeks, no such pregnancy shall be terminated under clause (ii) or clause (iii), unless the opinion of such medical practitioner is agreed to by another registered medical practitioner and the pregnancy terminated by two registered medical practitioners acting together".

CLAUSE 7

The clause was adopted without any change.

CLAUSE 1, THE ENACTING FORMULA AND THE TITLE

The following amendments were accepted:—

- (i) Page 1, line 1, for the word "Twentieth" substitute "Twenty-first";
- (ii) Page 1, line 4, for the figures "1969" substitute "1970"; and
- (iii) Page 1, after line 6, insert the following:—

"(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint".

The clause, the enacting formula and the title as amended, were adopted.

CLAUSE 3

The Committee reconsidered the following amendment to the clause accepted yesterday, namely:—

Page 2, line 32 after the word “environment” add “or circumstances”.

After some discussion, the Committee decided to drop the amendment.

The clause, as further amended, was adopted.

3. The Committee authorised the Legislative Counsel to carry out changes of minor and consequential nature in the Bill.

4. The Committee decided to meet at 3.00 P.M. on Tuesday, the 3rd November, 1970 to consider the draft Report and the Bill, as amended.

5. The Committee then adjourned at 12.45 P.M. to meet again at 3.00 P.M. on Tuesday, the 3rd November, 1970.

XIX

NINETEENTH MEETING

The Committee met at 3.00 P.M. on Tuesday, the 3rd November, 1970.

Present

1. Shri Mulka Govinda Reddy—*Chairman.*

MEMBERS

Rajya Sabha

2. Dr. (Mrs.) Mangladevi Talwar
3. Shri M. Srinivasa Reddy
4. Shrimati Usha Barthakur
5. Shri Krishan Kant
6. Shri Sawaisingh Sisodia
7. Shri K. P. Mallikarjunudu
8. Shrimati Bindumati Devi
9. Shri Niranjana Varma
10. Shri G. Gopinathan Nair
11. Shri S. A. Khaja Mohideen

Lok Sabha

12. Shri Vidya Dhar Bajpai
13. Shri Gangacharan Dixit

14. Shri Ganesh Ghosh
15. Shri Kameshwar Singh
16. Shri Kinder Lal
17. Shri P. Viswambharan
18. Shri N. R. Laskar
19. Hazi Lutfal Haque
20. Shri Mohammad Yusuf
21. Shri B. S. Murthy
22. Shrimati Shakuntala Nayar
23. Dr. Sushila Nayar
24. Shri Pratap Singh
25. Shri Ram Swarup
26. Dr. M. Santosham
27. Shrimati Tara Sapre
28. Shri M. R. Sharma
29. Shri Babunath Singh
30. Shri Jageshwar Yadav.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri S. K. Maitra, Joint Secretary and Legislative Counsel
Shri S. Ramaiah, Deputy Legislative Counsel

*Ministry of Health and Family Planning and Works, Housing
and Urban Development (Department of Family Planning)*

Shri R. N. Madhok, Joint Secretary
Shri D. N. Chaudhari, Deputy Secretary
Dr. I. Bhooshana Rao, Deputy Commissioner (FP)
Dr. G. P. Sen Gupta, Deputy Commissioner (FP)
Dr. (Smt.) S. F. Jalnawalla, Deputy Director (I)
Shri S. P. Jindal, Under Secretary (FP)

Secretariat

Shri S. S. Bhalerao, Joint Secretary
Shri Kewal Krishan, Deputy Secretary
Shri M. K. Jain, Under Secretary.

2. The Committee took up consideration of the Bill, as amended. After some discussion consideration of clause 5 was again taken up and

the same was adopted in the following revised form:—

5. "Sections 3 and 4 when not to apply.—The provisions of section 4, and so much of the provisions of sub-section (2) of section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to save the life of the pregnant woman.

Explanation.—For the purposes of this section, so much of the provisions of clause (d) of section 2 as relate to the possession, by a registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply."

Thereafter the Bill, as further amended, was adopted.

3. The Committee authorised the Chairman to suitably revise the portion of the Report relating to clause 5 in the light of the amendment of the clause. Subject to this the Committee adopted the Report.

4. The Committee decided that whole of the evidence tendered before them may be laid on the Table of both the Houses.

5. The Committee decided that the Minutes of Dissent, if any, may be sent so as to reach the Rajya Sabha Secretariat by 10.00 A.M. on Monday, the 9th November, 1970.

6. The Committee authorised the Chairman, or in his absence, Shri Krishan Kant to present the Report on their behalf and to lay the evidence on the Table of the Rajya Sabha after the presentation of the Report.

7. The Chairman announced that the Report would be presented to the Rajya Sabha on Monday, the 9th November, 1970 and that evidence would be laid on the Table the same day.

8. The Committee authorised Dr. Sushila Nayar or, in her absence, Shrimati Tara Sapre to lay the Report of the Committee and the evidence on the Table of the Lok Sabha on Monday, the 9th November, 1970.

9. The Committee then adjourned at 4.45 P.M.