

*The question was put and the motion was adopted.*

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

*The title was added to the Bill.*

SHRI S. B. CHAVAN : Sir, I beg to move :

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

*The question was put and the motion was adopted.*

# THE CRIMINAL LAW (AMENDMENT) BILL, 1992

THE MINISTER OF HOME AFFAIRS  
(SHRI S. B. CHAVAN) : Sir, I move :

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973, be taken into consideration."

Sir, kidnappings by terrorises for ransom, for creating panic amongst the public and for securing release of arrested associates and cadres have assumed serious dimensions. The Government is greatly concerned at these developments. The existing provisions of law are inadequate to meet the cases of kidnapping for ransom. Indeed there is now no specific provision to deal with such cases. The Law Commission on its 42nd Report had recommended a suitable provision to deal with this menace.

The Bill seeks to amend the Indian Penal Code to provide for deterrent punishment to persons committing such heinous crimes and to make certain consequential amendments to the Code of Criminal Procedure, 1973.

I commend the Bill for the consideration of this August House.

*The question was proposed.*

SHRI O. RAJAGOPAL (Madhya Pradesh) : Sir, this question of kidnapping for

illegal purposes is assuming grave proportions. There is a provision in IPC against kidnapping for wrongful confinement. This is section 365. There is section 364 which deals with kidnapping for the purpose of murder. These two provisions are there. Now a substantive provision is being introduced in this basic criminal law. I think here are certain other incidents of kidnappings which are not covered under this. For example, kidnapping of infants from hospitals. It is not for a ransom or for murder but we are observing such incidents. I do not know whether we should go on adding such type of criminal offences by adding new sections. Therefore, I would like to suggest that there should be a comprehensive provision under the heading 'kidnapping for the purpose of any criminal offence'. That would be better. Otherwise, if we go on adding the offences, there will not be an end to it. The point of not including more and more provisions in the legislation has been made by many learned friend here. Therefore, there SHOULD be real sincerity or earnestness to implement legislation in an honest fashion rather than encumbering the statute-book with more and more provisions and sections. I do not see that the present move will be sufficient to tackle the growing menace of kidnapping for various purposes. There should be a comprehensive provision for this.

श्रीमती कमला सिन्हा (बिहार) : उपसभा-ध्यक्ष महोदय, यह जो विधेयक लाया गया है, क्रिमिनल ला अमेंडमेंट बिल, जिसके उद्देश्य के बारे में अभी गृह मंत्री ने बताया, उद्देश्य तो ठीक है लेकिन इसका दागरा इन्होंने बहुत कम रखा है। हैरोरिस्ट जब केवल किडनेपिंग करते हैं तबसम के लिए उसके द्वारा जो पैसिक थ्रैट्स होता है लोगों के मन में तो इस के संबंध में यह विधेयक है। उसको तो दृढ़ दृष्टि करना चाहते हैं लेकिन गृह मंत्री महोदय भूल जाते हैं कि केवल हैरोरिस्ट ही किडनेपिंग नहीं करते हैं। एक अपहरण का काम केवल हैरोरिस्टों द्वारा ही नहीं होता बल्कि अपराजित उड़ रहे हैं। ऐसे लोग भी जो अपहरण कर रहे हैं और जिसको कहते हैं हेली गली, आसानी से रकबा मिल जाता, इसके लिये यह एक नया

तरीका हो गया है। पूरी दुनिया भर में और हमारे देश में भी जो दूरदर्शन द्वारा या सिनेमा हॉलों में विदेशी पिकचर दिखायी जाती है, उससे भी हमारे देश में इसको बढ़ावा मिला है। चोरी डकैती करने में रिस्क इन्वाल्व होता है। इसमें वह रिस्क नहीं होता। किसी को किडनैप कर लो और करोड़ों रुपयों की डिमांड कर लो। आज ही सबह गृह मंत्री महोदय एक सवाल का जवाब दे रहे थे। मैंने भी इसी हाउस में किडनैपिंग के बारे में सवाल उठाया था, महिलाओं का किडनैपिंग होता है, लड़कियों का होता है, दुनिया के दूसरे देशों में, अरब देशों में हमारे यहां से बच्चों को भेजा जाता है, कैमल रेस के लिये वे उनका इस्तेमाल करते हैं, सेक्स एक्सप्लॉइटेशन उनको होता है और छोटे-छोटे शिशुओं को, नवजात शिशुओं को किडनैप किया जाता है। इसके लिये जब आप अमॉडमैंट ला रहे हैं, विधेयक ला रहे हैं तो इसके लिये एक कम्प्रहेंसिव विधेयक लेना चाहिये था। अमॉडमैंट केवल एक क्लोज के लिये लाते हैं। टेरोरिस्ट जो अपहरण करते हैं वह रनेसस के लिये करते हैं, फिराती के लिये करते हैं। इसको रोकने के लिये मझे लगता है कि आपको कम्प्रहेंसिव बिल लाना चाहिये था ताकि अन्य जो किडनैपिंग के केसेज होते हैं, अपहरण के केसेज होते हैं, चाहे वह कम उम्र की लड़कियों के हों, कम उम्र के लड़कों के हों, अपहरणियों का हो, शिशुओं का हो, किसी का भी हो, इसको इसके दायरे में लाते और सशक्त रूप से आप अपने प्रशासन तंत्र को चस्त-दुरुस्त करने के लिये बिल लाते तो इस सदन को उस पर गैड आपत्ति नहीं होती, इतना ही मझे कहना है।

DR. NARREDDY THULASI REDDY (Andhra Pradesh) : Sir, I strongly feel that there is no necessity for this bill. I fully agree with the first sentence of the Statement of Objects and Reasons that kidnapping is assuming serious dimensions. It may be for ransom or for creating panic in the society or for securing release of arrested associates. So, I totally agree with this first sentence. But I do not agree with the second sentence that the existing provisions of law have proved to be inadequate. The existing provisions are adequate, but only in the implementation part

we are inadequate. The laws are adequate, but the implementation is inadequate. So, it is better to emphasise on their implementation. In the Indian society and throughout the world there is some change in the atmosphere. So, we have to try to change that atmosphere again to the normal position, and we have to implement the law strictly.

Then again, in the Bill it is stated :

" In order to compel the Government or any other person..... "

Again here there is possibility of misuse of the Bill. There is every possibility of registering false cases and harassing people. So, I sincerely request the Minister to withdraw the Bill and implement the present laws with emphasis.

Thank you, Sir.

श्री संघ प्रिय गौतम (उत्तर नबेज) : उपसभाध्यक्ष महोदय, जब अपहरण संबंधी कानून बना था उस समय परिस्थितियां विभिन्न थीं। वो ही प्रकार के अपहरण होते थे। अब तो अपहरण नवजात शिशुओं का भी होता है, बालिकाओं का भी होता है और महिलाओं का भी होता है, पूंजीपति, इंडस्ट्रियलिस्ट का भी होता है, अधिकारियों का भी होता है, मंत्रियों के पूत्र और पुत्रियों का भी होता है, और आर्गनाइज्ड गैंग भी अपहरण करते हैं, टेरोरिस्ट भी अपहरण करते हैं। देखने में यह आया है और ऐसा अनुमान लगाया जाता है कि जो नवजात शिशुओं का अपहरण करते हैं ये या तो उसका मांस खाते हैं या उसका खून निकालते हैं या फिर उसके हाथ-पैर तोड़कर उसको भिखारी बनाते हैं। बालिकाओं और महिलाओं का जब अपहरण होता है तो उनके साथ बलात्कार करते हैं और उसके बाद उनकी व्रथा कर देते हैं। ये ऐसे वालों का भी अपहरण करते हैं। अगर ऐसे वालों का अपहरण होता रहता तो ये इंडस्ट्री नहीं लगायेंगे और अगर ऐसा होगा तो देश का विकास कैसे होगा ? अधिकारियों और पोलिटेशियंस का जो अपहरण होता है, उनकी एजेण्डा से टेरोरिस्टों को छोड़ा जाता है। यह जो इसमें दंड का प्रावधान है, मैं क्षमा चाहूंगा, मैं एक

डिफरेंट टाइप का जाहजी है, लेकिन मेरा विश्वास बसोक्सेसी में है, मानव अधिकारों में है। इसकी जो सजा है वह केवल मौत होनी चाहिये। यह नहीं कि कारावास केवल मौत ही इसकी सजा हो। बच्चों की मौत, महिलाओं की मौत, अपहरण के बाद पूँजी-पतियों की मौत या टेरॉरिस्ट्स को छोड़ना, इससे बड़ा अपराध मेरी नज़र में और कोई नहीं हो सकता है। इसलिए एक तो सजाएँ मौत होनी चाहिये और इसमें यह सारी चीज़ें शामिल की जानी चाहिये तथा एक संशोधित विधेयक आना चाहिये। धन्यवाद।

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Sir, I heard with rapt attention the views which have been expressed by hon. Members. The first hon. Member, O. Rajagopalji, said that it was brought for the first time. It is a fact that it is for the first time that we are bringing this kind of a legislation. But it is not correct to say that it is only confined to abduction. It covers both the things, kidnapping and abduction. I quite see the involvement of the element of ransom; otherwise it is comprehensive enough to cover all types of cases. If you see clause 3 (va) you will find that section 364A has also been added there. So, all kinds of cases were under contemplation. They have already been covered. There is no lacuna left. About the points which the hon. Member, Gautamji, has made whether it should be a sentence of death or life imprisonment, ultimately it is for the courts to take the decision. If the circumstances of the case are such that awarding of life sentence is good enough instead of death sentence, the court might take the decision. Both the options are available to the courts and the courts take the decision. That is all.

THE VICE-CHAIRMAN (SYED SIB-TEY RAZI) : Now the question is :

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN : (SYED SEB-IEY RAZI) : We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 4 were added to the Bill.*

*Clause 1—Short Title*

SHRI S. B. CHAVAN : Sir, I beg to move :

"That at page 1, line 3, for the figure '1992' the figure '1993' be substituted."

*The question was put and the motion was adopted.*

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

*ENACTING FORMULA*

SHRI S. B. CHAVAN : Sir, I beg to move :

"That at page 1, line 1, for the word 'Forty-third' the word 'Forty-fourth' be substituted."

*The question was put and the motion was adopted.*

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

*The Title was added to the Bill.*

SHRI S. B. CHAVAN : Sir, I beg to move :

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

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN : (SYED SIB-TEY RAZI) : Now, we will take up the Tezpur University Bill, 1992.

SHRI KAMAL MORARKA : (.Rajasthan) : Where is the Minister ? We have just now passed the Bill on abduction. Has the Minister been abducted ?

THE VICE-CHAIRMAN (SYED SIB-TEY RAZI) : I request the Secretariat to inform the Minister. Till the Minister comes we postpone it. (*Interruptions*).

SHRI KAMAL MQRARKA : It is not fair. (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIB-TEY RAZI) : What to do ? (*Interruptions*), I am sending the message to the Minister. Now we will take up clarifications on the statement of the Civil Aviation Minister.

SHRI I. K. GUJRAL : Before you do that, I think it should go on record that we could not consider the Bill because the Minister was absent. (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIB-TEY RAZI) : I have asked them to inform the Minister. I will see what message comes from the Minister.

SHRI KAMAL MORARKA : Can you tell us what is the order of the business ?

THE VICE-CHAIRMAN (SYED SIB-TEY RAZI) : There is a little adjustment. Now, clarifications on the statement of the Civil Aviation Minister.

**CLARIFICATIONS ON THE STATEMENT RE: HIJACKING OF INDIAN AIRLINES FLIGHT IC-427 DELHI-SRI, NAGAR ON THE 24TH APRIL, 1993**

DR. NARREDDY THULASI REDDY (Andhra Pradesh) : First of all I congratulate, not the Minister, but the success of the National Security Guards and the cabin crew.

Sir, the terrorists are always at an advantageous position than the security agencies because terrorists is the initiator. So the security agencies have to cope imaginatively with the terrorists. This hijacking reflects the absence of such imagination. The security staff at airport must be put through periodic refresher courses aiming at updating their expertise.

I want to know whether there is any such refresher course in the Civil Aviation Ministry or not. If it is not there, whether they are going to conduct a refresher course for updating the expertise of the security staff at the airport ?

SHRI G. G. SWELL (Meghalaya) : This is a very serious question. But the way in which things are happening in the House today—a Bill not being taken up, the other items of the agenda being swept away in order to bring this—has taken away much of the serious concern that we have in regard to this. Will the Minister listen to me, please ? How can the Minister answer the questions if he does not listen to me ? Sir, you better adjourn the House. Nobody is serious. The Minister is not hearing.

THE VICE-CHAIRMAN (SRHI SIB-TEY RAZI) : Please restore order in the House. The Minister is listening.

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) : I am listening to you.

SHRI G. G. SWELL : Now, I think, it has taken away a lot of our serious concern and, even then, I would pose a few questions to the hon. Minister and would like his considered answers to these questions. Has the identity of the hijacker, the failed hijacker, been established ? Did he belong to the militant outfit in Kashmir ? In that case, it is part of a much broader question with which, of course, the Minister would not be concerned because it is more of a concern of the Home Ministry. But I would like to be sure about his identity. Now, Sir, terrorism today has become more cynical, more homicidal and more suicidal. I am using the word 'suicidal' advisedly because we know what happened to the late lamented Rajiv Gandhi. It was a human bomb. It was a suicidal assassin who did the job. And, therefore, when the people are determined, they can commit an act of terrorism even at the cost of their own lives. Now, Sir, it is obvious that the hijacker could get in o the aircraft with two pistols because of the lapses of our security forces. Because of the ingenuity of the hijacker, he could put the two loaded pistols into his crutches or his plasters and our security forces in Delhi seeing his condition that he was a sick man wanted milk toast and allowed him through. Now, here is the question which