

sure that where a case is instituted, the general rule is that he would be suspended.

SHRI R. P. N. SINHA: May I know whether the original charge on which an officer has been suspended cannot be changed after the suspension order has been issued?

MR. CHAIRMAN: Can the original charge be changed after the suspension?

SHRI R. M. HAJARNAVIS: It will be a question of interpretation of rules which I cannot do at the moment.

SHRI LOKANATH MISRA: Since it was the Special Police Establishment who undertook the search, how does the Minister expect the State Government to take the initiative in this matter? It is left to the Centre to take the initiative on suspension, and since he is an I.A.S. officer, it is only in the fitness of things that the Centre should take the initiative. Why is the Centre not taking the initiative in the matter?

SHRI R. M. HAJARNAVIS: The investigation is proceeding. As soon as a definite conclusion is reached that there is a *prima facie* case, the Centre will ask the State Government to take the necessary action.

POSTPONEMENT IN THE CARRYING OUT OF CAPITAL PUNISHMENTS

*572. SHRI BHUPESH GUPTA: Will the Minister of HOME AFFAIRS be pleased to state whether in view of the fact that the question of abolishing capital punishment is being considered by the Law Commission at present Government have taken a decision to postpone the carrying out of capital punishments already awarded?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R. M. HAJARNAVIS): No, Sir.

SHRI BHUPESH GUPTA: May I know whether it is not a fact that the Government is tentatively of the view that the capital punishment in India should be abolished or whether they have such recommendations, under consideration?

SHRI R. M. HAJARNAVIS: The view has been expressed here and elsewhere by very prominent personalities that capital sentence should be abolished. It is a very complex matter. We have requested the Law Commission to examine this question. The Law Commission are examining this question. I might inform the House that in 1961 there were more 11,000 homicidal deaths and the number of persons in whose case the death sentence was actually carried out was less than 200.

SHRI BHUPESH GUPTA: That is not the point. Since the matter is under consideration—that is what we gather from the replies given in another place and from the statements made by the Government—why should in that case the Government not postpone the carrying out of the capital punishment pending the final decision on the part of the Government?

SHRI R. M. HAJARNAVIS: The controversy, if I might say so, is not of recent origin. It is probably as old as mankind. Two views have always been expressed. We do not know when a decision would be actually taken. In the meantime it is essential that the death sentence should be carried out as expeditiously as possible. If for any reason it is delayed, then that itself becomes a reason.

SHRI BHUPESH GUPTA: We are not interested in a philosophical answer, going back to mankind's early history.

MR. CHAIRMAN: I thought some people might be.

SHRI BHUPESH GUPTA: I am not interested. We hardly understand what mankind stands for. The Police Minister is least competent to speak

on the subject. In view of the fact that the matter is under consideration, it may be that the recommendation will be that capital punishment should be abolished. If that is so, would it not be better in view of the fact that such a decision might come that the Government should postpone the execution? May I know whether that aspect was considered by the Government and any decision taken? If not, why not?

MR. CHAIRMAN: He has said that they are considering that and they would expeditiously do it.

SHRI BHUPESH GUPTA: Expeditiously what?

MR. CHAIRMAN: Expeditiously do it.

SHRI BHUPESH GUPTA: Kill people? I do not want that. I would like an expeditious decision to be taken in favour of abolition of the death sentence.

MR. CHAIRMAN: The matter is under consideration, and it will be expeditious.

SHRI BHUPESH GUPTA: He has said that they are doing it and the matter is under consideration. Only when some decision is taken can the present Act be changed.

SHRI B. D. KHOBARAGADE: It has been admitted by the hon. Minister that they have referred this question to the Law Commission. It means that there is some *prima facie* evidence or such circumstances which have compelled the Government to change its previous view, and they are also thinking that capital punishment should be abolished. If that is the case, may I know what are the difficulties in the way of the Government in postponing the execution of those persons who have been sentenced to death?

MR. CHAIRMAN: It is the same question which the other hon. Member put just now.

SHRI B. D. KHOBARAGADE: I just want to know what are the difficulties that stand in their way.

MR. CHAIRMAN: There is no difference between your question and his question.

SHRI B. D. KHOBARAGADE: May I know what are the other difficulties or circumstances which are obstructing the Government from postponing the execution of those persons?

SHRI R. M. HAJARNAVIS: There are many eminent criminologists and Judges who are of the opinion that in order to save human life, capital punishment in certain categories of murder is absolutely essential. No less an eminent person than the Lord Chief Justice of England, Lord Goddard, and a recent eminent visitor to this country, Lord Denning, are of opinion that death sentence should be imposed in certain cases.

SHRI BHUPESH GUPTA: We know that capital punishment takes place in murder cases and so on. Capital punishment is not meant for asking supplementary questions. That is why I ask him this. They have themselves referred to the Law Commission the whole matter. May I know who initiated this proceeding that the matter should be referred to the Law Commission? Is it not a fact that some very high dignitaries or personalities in the Government brought it to the notice of the Government and as a result of this Government thought that there was a *prima facie* case in favour of abolition, and hence in order to reassure themselves the matter was referred to the Law Commission? The answer should be to the point.

MR. CHAIRMAN: I am afraid all the information, that you could get in that connection, you have got.

SHRI BHUPESH GUPTA: I have not got. Did the Prime Minister ask? Did the President ask? Who asked the matter be referred to the Law Commission?

SHRI R. M. HAJARNAVIS: The whole Government are responsible for that decision.

SHRI BHUPESH GUPTA: We do not know that. They said they had referred the matter to the Law Commission. Despite the fact that there is a law on the subject—it stands to reason—certain questions arose in their minds and somebody in the Home Ministry—let the Home Ministry say that it did—thought that the matter should be reviewed. I should like to know who did it first. There is no use telling that the Government as a whole did it. Was there any Cabinet decision about it?

MR. CHAIRMAN: The reply is that the Government has referred it.

SHRI R. M. HAJARNAVIS: Government is a whole one.

MR. CHAIRMAN: You cannot get the reply that you want. The reply is . . .

SHRI BHUPESH GUPTA: Let them deny it.

(Interruptions)

SHRI SUDHIR GHOSH: It is not quite clear that the law of the land as it exists shall take its course until it is changed by Parliament?

SHRI BHUPESH GUPTA: Shri Sudhir Ghosh is advancing far from . . .

MR. CHAIRMAN: You want to say anything?

SHRI R. M. HAJARNAVIS: Government are responsible. I may inform the House that my predecessor, the late Shri Datar, in reply to the debate in the Lok Sabha said that the matter

would be referred to the Law Commission.

SHRI BHUPESH GUPTA: You have got it. Now it is the late Shri Datar. That is what I was aiming at.

SHRI AKBAR ALI KHAN: May I, with your permission, Sir, request the Government to consider the speeches on the Resolution passed in this House two years before regarding the abolition of capital punishment and send the material to the persons who are considering the matter?

MR. CHAIRMAN: Of course, all that would go up for consideration.

SHRI R. M. HAJARNAVIS: That I would certainly do.

PERQUISITES FOR MINISTERS

*573. SHRI DAHYABHAI V. PATEL: Will the Minister of HOME AFFAIRS be pleased to state the different perquisites which are available to the Ministers and how much have these cost to the Government during the last two years?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R. M. HAJARNAVIS): The salary, allowances and other privileges of Ministers are governed by the Salaries and Allowances of Ministers Act, 1952 and the Rules made thereunder. It will not be possible to work out the cost of such perquisites with any degree of accuracy.

SHRI DAHYABHAI V. PATEL: May I know why it is not possible to work out the cost? We know that there are so many Ministers, the cost of each Minister and the charges towards the perquisites. Certainly, Government should be in a position to make this information available to us. Or is it too damaging?

SHRI R. M. HAJARNAVIS: It is not damaging at all. Sir, to take one example, for instance, salary, of