

PRIVATE MEMBER'S RESOLUTION — Contd.

SHRI SUKHENDU SEKHAR ROY: Sir, the hon. Member, Shri D. Raja, has attracted the attention of the nation through this Private Member Resolution, which is very sensitive and humane in view of the fact that many countries in the world have, now, started reviewing whether the death sentence should continue or not. Even some of our Samajwadi Party friends have mentioned how some of our freedom fighters were hanged during British times. I do not want to travel through history. But, we have seen that Maharaja Nand Kumar, who revolted against Warren Hastings, was held for forgery of documents. This has also happened in our country. Since then, we have travelled ahead. Today, our Supreme Court has also opened the doors of the court in the wee hours to review or to look into the decision-making process of the hon. President of India, whether he has considered the clemency petition of an offender, who had been convicted with death punishment. Hon. Law Minister, Shri Ravi Shankar Prasad, is also here. In the background of that situation, when different countries in the world have started giving up the death penalty, I would like to request the Government, through you, that this matter be referred to the Law Commission. The Supreme Court has also stated in plethora of cases that only in rarest of rare cases the death penalty should be given. Possibly, we should go beyond that and this matter should be referred to the Law Commission for an appropriate review of the entire gamut of the situation. And, that is why we are discussing whether we should continue or discontinue the death penalty. I would urge upon the Government, through you, to refer the matter to the Law Commission to have a review of the entire thing and make its recommendations so that the Parliament can discuss this issue in future in order to come to a conclusive decision.

डा. अनिल कुमार साहनी (बिहार): उपसभाध्यक्ष महोदय, आदरणीय श्री डी. राजा द्वारा लाए गए गैर-सरकारी सदस्यों के संकल्प पर बोलने के लिए आपने मुझे मौका दिया, इसके लिए मैं आपके प्रति आभार व्यक्त करता हूँ। साथ ही, डी. राजा जी जो संकल्प लाए हैं, यह सामाजिक स्तर पर समाज के उन गरीबों से भी जुड़ा हुआ है, जिनको न्याय नहीं मिल पाता है। सिर्फ आर्थिक और सामाजिक कारणों से उनको न्याय नहीं मिल पाता है। अभी देखा जाए, तो विश्व के 58 देशों में ही फाँसी की व्यवस्था है, वहीं विश्व में 140 देशों ने फाँसी की व्यवस्था को समाप्त कर दिया है।

महोदय, हमारे कई साथियों ने अभी कहा कि जो अपराध होते हैं, उन्हें किस प्रकार से रोका जाए। एक प्रकार से समझिए, तो लोगों का नैतिक पतन होता जा रहा है। आज हमें इस नैतिक पतन को दूर करना होगा। महात्मा गांधी जी ने हम लोगों को एक रास्ता दिखाया था और इसके लिए उन्होंने तीन बंदरों को प्रतीक के रूप में रखा था - "बुरा मत देखो, बुरा मत सुनो और बुरा मत बोलो।" एक का आँख बंद, एक का कान बंद और एक का मुँह बंद। महात्मा गांधी के तीन बंदरों को प्रतीक के रूप में रखने के बाद भी लोगों की मानसिकता सकारात्मक नहीं हुई है। आज अगर गांधी जी होते, तो उन्हें

उनकी जगह मात्र एक बंदर रखने की जरूरत थी। वे एक बंदर रख लेते, जिसका हाथ दिमाग पर रहता और वह सिखाता कि बुरा मत सोचो, बुरा मत सोचो, बुरा मत सोचो। आज नकारात्मक सोच के कारण ही अपराध बढ़ रहे हैं। आज हम लोग आतंकवादी को फाँसी देते हैं, लेकिन जैसा अभी हमारे विशम्भर प्रसाद निषाद जी बोल रहे थे, हमारे शहीदों को फाँसी दी गई थी। हमारे मुजफ्फरपुर शहर के हमारे ही परिवार से आने वाले अमर शहीद जुब्बा साहनी जी को फाँसी दी गई और वह देश की आजादी के लिए दी गई। फाँसी यहां तक भी दी जाती है कि यह लोगों को डराने के लिए, धमकाने के लिए, शासन को चलाने के लिए दी जाती है। बिना भय न होए प्रीति, अभी हमारे माननीय सदस्य इसके बारे में बोल रहे थे, यह सही है, मगर इसमें सुधार लाने की जरूरत है। हम लोगों को सकारात्मक सुझाव लेकर चलना होगा। समाज के निचले स्तर के लोग, जिनमें बहुत सारे लोग हैं, जिनके बारे में हम जानते हैं, जब हम सामाजिक स्तर पर देखते हैं कि अगर कोई व्यक्ति किसी प्रकार से केस में फँस गया, तो कोई उसकी पैरवी करने वाला नहीं है। चूंकि उसके पास पैसा नहीं होता है, तो बिना जमानत के वह 7-8 साल तक जेल में पड़ा रहता है। इसको भी देखना होगा कि उसको छुड़ाने के लिए क्या व्यवस्था की जा रही है, उसको बचाने के लिए क्या व्यवस्था की जा रही है। हमारा जो सरकारी वकील है, वह विपक्ष से मिल कर उसको न्याय नहीं दिला पाता है। हम लोगों को इस न्याय व्यवस्था को भी समझना होगा।

[श्री उपसभापति पीठासीन हुए]

फाँसी के संबंध में हमारे भूतपूर्व राष्ट्रपति, कलाम साहब ने भी कहा है कि मेरे पास फाँसी की जो अपीलें आती हैं, उनमें से ज्यादातर अपीलें गरीब लोगों की आती हैं, शोषित लोगों की आती हैं, पिछड़े लोगों की आती हैं कि हमें फाँसी से माफी दी जाए। कलाम साहब ने कहा कि इससे मुझे आत्मिक तकलीफ होती है। अब हमारे राजा साहब यह संकल्प लेकर आए हैं। यह गरीबों से जुड़ा हुआ बिल है। ऐसे गरीब लोगों को, जिन्हें न्याय नहीं मिलता है, यह उन लोगों से जुड़ा हुआ है।

मंत्री महोदय, मैं आपसे एक निवेदन करूंगा कि आप इसके ऊपर एक तुलनात्मक अध्ययन लाइए कि जिन देशों में फाँसी को बंद कर दिया गया है, उन देशों में अपराध बढ़ा है अथवा जिन देशों में फाँसी की सजा जारी है, उन देशों में अपराध कम हुआ है। आपको इस प्रकार से दोनों तरह के देशों की तुलना करनी होगी और देखना होगा जिन-जिन देशों में फाँसी है, वहां अपराध की क्या स्थिति है। अभी 58 देशों में फाँसी की व्यवस्था जारी है, वहां पर अपराध बढ़े हैं या फिर 140 देशों में, जहां पर फाँसी की व्यवस्था को खत्म कर दिया गया है, वहां पर अपराध कम हुए हैं। आपको इन दोनों प्रकार के देशों की तुलना करनी चाहिए।

हमारे राजा साहब ने शोषितों और उपेक्षितों की जो बात उठाई है, वह बात सही है। आपको इस पर ध्यान देना होगा और सोचना होगा कि आने वाले दिनों में समाज में किस प्रकार सकारात्मक सोच पैदा की जा सके। ... (समय की घंटी)... समाज में सकारात्मक सोच लाने के लिए सरकार क्या पहल कर रही है? जो लोग बचपन से ही अपराध में संलिप्त होते हैं अथवा जिनको अपराध करने की ट्रेनिंग दी जाती है, उनको रोकने के लिए आप क्या व्यवस्था कर रहे हैं? ... (समय की घंटी)... सर अभी एक मिनट और बाकी है। ... (व्यवधान)... मैं ऐसे लोगों की तरफ आपका ध्यान आकृष्ट करना चाहता हूँ। ... (व्यवधान)...

श्री उपसभापति: आपका समय हो गया है। ...*(व्यवधान)*... आपके पांच मिनट हो गए हैं। ...*(व्यवधान)*...

डा. अनिल कुमार साहनी: हम आपसे निवेदन करते हैं कि आप समाज में सकारात्मक सोच लाने के लिए पहल करें, ताकि फाँसी जैसी व्यवस्था को, जो सर्वथा अमानवीय है, खत्म किया जा सके, धन्यवाद।

MR. DEPUTY CHAIRMAN: Okay. Shri Rangarajan, you have only four minutes, because the direction is that this Resolution has only two hours' time. In two hours, we have to complete this. So, take only four minutes. You compress your speech in that way.

SHRI T.K. RANGARAJAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I fully support hon. Member, Shri D. Raja's Resolution on abolishing death penalty. Our Party, CPI(M), fully supports the idea that death sentence should be abolished. In fact, we have discussed and passed a resolution on that also. The death penalty is a symptom of culture of violence, not a solution to it. Sir, the other speakers have spoken very well on this subject. I would like to quote what Dr. Abdul Kalam said about this. They are prominent people. Even judges have commented on that. Mahatma Gandhi has also said, 'eye for an eye is not correct.' In fact, he did not protect persons like, Shri Bhagat Singh, etc., when they were to be hanged. Of course, later, he realised. He also became a victim of a Hindu terrorist. He was killed by Nathuram Vinayak Godse. But my point is, now, this has become a very serious issue not only in India, but also in other places. We live in the 21st century. It is a modern world. So, we have to correct the people and we cannot give them death penalty. More than 140 countries in the world, so far, have abolished the death sentence. It is correct. I would like to support our Bengal Comrade, Shri Sukhendu Sekhar Roy, that it should go to the Law Commission, and there must be a full review on this. But Parliament should, at least, pass this Resolution. Abolishing death penalty would be welcomed by the people. Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much. Now, I have two more names, Shri Tiruchi Siva and Shri T.K.S. Elangovan, but, unfortunately, ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Sir, one minute, please.

MR. DEPUTY CHAIRMAN: No. It is not possible. ...*(Interruptions)*... Listen to me first. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: Sir, I will not take. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let me say. This is not the way.

SHRI ANANDA BHASKAR RAPOLU (Telangana): Sir, my name is there. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Navaneethakrishnan, sit down. That is not the way.

SHRI A. NAVANEETHAKRISHNAN: Sir, please allow me to speak. ...*(Interruptions)*... It is an important issue. ...*(Interruptions)*... I request the Centre. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Sit down. Listen to me. I am not ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: Sir, please allow me to speak.

MR. DEPUTY CHAIRMAN: It will not go on record. Sit down. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: *

MR. DEPUTY CHAIRMAN: No; he will not. But, Mr. Navaneethakrishnan, you should also know this. You are a senior Member. It always happens with you. You can also give your name before the discussion starts. I always tell you this thing. You are a very senior Member. You always stand up and say that you want to speak. I request you, hereafter. ...*(Interruptions)*... Now, listen to me. You are a very senior Member. By 'senior', I mean, you may not be senior here, but you were an Advocate General also. But let me tell you, you have your staff here. Ask them to read the List of Business every day, write your request and give it here before the discussion starts. Then, you will not have to get up like this. Hereafter, do like that. ...*(Interruptions)*... This is my friendly advice. This is not a Deputy Chairman's advice. This is a friendly advice ...*(Interruptions)*... Sit down.

SHRI A. NAVANEETHAKRISHNAN: Sir, it is an order and I am deeply obliged.

MR. DEPUTY CHAIRMAN: Sit down please. Now, the second point is, I have two names; Shri Ananda Bhaskar Rapolu is also there and he has three minutes. The only thing is that everybody should stick to the time-limit. The total time-limit is two hours. There is already a direction that beyond that time-limit. ...*(Interruptions)*... Let me read it. "Members are informed that the General Purposes Committee, in its meeting held on 20th April, 2008, has *inter alia* decided that the time-limit of two hours for discussion on a Private Member's Resolution prescribed in the direction of the Chairman issued and the decision of the General Purposes Committee has to be strictly adhered to." Therefore, I cannot go beyond that. So, Mr. Tiruchi Siva and Shri T.K.S. Elangovan, there is no time left, but take three minutes. I don't want to avoid anybody. Take three minutes.

*Not recorded.

SHRI D. RAJA: Sir, I want to raise a point of order.

MR. DEPUTY CHAIRMAN: What is your point of order?

SHRI D. RAJA: Sir, the Revised List of Business says 'Private Members' Business/Resolution, — 2.30 p.m. to 5.00 p.m.

MR. DEPUTY CHAIRMAN: That is Private Members' Business. But for one Resolution, it is two hours.

SHRI D. RAJA: Sir, from 2.30 p.m. to 5.00 p.m., it was decided to take up the reply to the Short Duration Discussion. Then, there was another intervention of clarification from the Minister. Please tell us till what time you would like the House to continue.

MR. DEPUTY CHAIRMAN: I will tell you. Sit down. I thought there are just a few Members more; Mr. Tiruchi Siva, three minutes, Mr. T.K.S. Elangovan, three minutes. Only three minutes!

SHRI TIRUCHI SIVA: Sir, it is. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. There is no time left here. Come and sit in the Chair. There is no time left. In the 'Others' category, there are no names. That is why I am giving you three minutes. Now, Mr. T.K.S. Elangovan would also get the same time, three minutes. Mr. Ananda Rapolu, the Congress Party is left with three minutes. So, you have three minutes. Mr. Navaneethakrishnan would have two or three minutes. So, it comes to 12 minutes, and then, the reply. So, we could finish before 6 p.m. ...*(Interruptions)*... It could be done before 6 p.m. What is the harm? ...*(Interruptions)*...

SHRI D. RAJA: Sir, ask the Minister. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: So, one business would be over. Now, Shri Tiruchi Siva; only three minutes.

SHRI D. RAJA: Sir, ask the Minister how much time he would take.

MR. DEPUTY CHAIRMAN: The Minister would take ...*(Interruptions)*... Is it the Home Minister? ...*(Interruptions)*... Mr. Rijiju, how much time would you take? Fifteen minutes?

SHRI D. RAJA: Sir, he has to answer all questions.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJIJU): Sir, the Resolution was moved by Mr. Raja and he is saying that if there is no adequate time let it continue in the next week.

MR. DEPUTY CHAIRMAN: That is for the House to decide. If the House decides so, I have no problem. I have no objection.

SHRI KIREN RIJIJU: Otherwise, we would be rushing and I would be speaking for just three minutes. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: If the House wants it that way, I have no objection.

SHRI D. RAJA: Sir, we have no objection. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: Yes, Sir. This is a very important issue. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let me tell you. The problem is, the rule says that there shall be two-and-a-half hours for Private Members' Business. I don't see any provision to cut that. That is the problem. So, it is better to continue.

अल्पसंख्यक कार्य मंत्रालय के राज्य मंत्री; तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री मुख्तार अब्बास नकवी): सर, मुझे लगता है कि हाउस का भी यही मूड है कि इसको नेक्स्ट टू नेक्स्ट कंटीन्यू रखा जाए। The matter is very serious and other Members also wanted to speak.

MR. DEPUTY CHAIRMAN: That is not the issue. The issue is, for Private Members' Business, there should be two-and-a-half hours. How much time has been taken? Now, we have to see how much time we have given to the Private Members' Business till now. The issue is; the Rule says that there shall be two-and-a-half hours for the Private Members' Business.

SHRI TIRUCHI SIVA: We agree, Sir, but Private Members' time has been taken away by other Business.

MR. DEPUTY CHAIRMAN: Of course, the House is supreme, but the Chair has to adhere to the Rules and also tell the Rules to the Members. The Rule says, "Unless the Chairman otherwise directs, not less than two-and-a-half hours of sitting on Friday shall be allotted for the transaction of Private Members' Business." This is all what I am pointing out.

SHRI SUKHENDU SEKHAR ROY: Sir, unless and otherwise other Members object, let it be taken to the next Friday allotted for Private Members' Resolutions.

MR. DEPUTY CHAIRMAN: I will explain the position. Next Friday, that is, 5th August, will be for Private Members' Bills. So, 12th August will be for Private Members' Resolutions. But, there is a problem. For 12th August, the Secretariat has already conducted another ballot and the result has also been notified. So, on 12th August, only Mr. Raja's Resolution will be continued because it has already been taken up. The next Resolution will not start. Dr. Subbarami Reddy, have you understood?

DR. T. SUBBARAMI REDDY: Sir, we can start it today.

MR. DEPUTY CHAIRMAN: I don't want to misguide anybody. The next Friday for Resolutions will be on 12th August. The discussion on Mr. Raja's Resolution is going on and it will be carried forward because it has already started. The next one is Dr. T. Subbarami Reddy's Resolution. That will not be taken up on 12th because another ballot has been conducted.

DR. T. SUBBARAMI REDDY: So, we can start it today. Today, we have got time up to 7 o'clock. So, now let us finish this Resolution within half-an-hour or so, and then we can start my Resolution.

MR. DEPUTY CHAIRMAN: I think, to be fair to that Member also, we will finish this Resolution within 30 minutes and then he can start. That will be fair.

DR. T. SUBBARAMI REDDY: Sir, I have every right. We have time up to 7 o'clock. We started Private Members' Business at 4.30 p.m.

MR. DEPUTY CHAIRMAN: Okay, I have understood your point. But, I think, the next Member is objecting.

DR. T. SUBBARAMI REDDY: Sir, the issue is like this: we have time up to 7 o'clock. From 4.30 p.m., if we calculate two-and-a-half hours, it comes to 7 p.m. The time left for this Resolution is half-an-hour. So, after that, I have every right to initiate the discussion on my Resolution. Nobody can stop me.

MR. DEPUTY CHAIRMAN: All right, we will continue. Shri Tiruchi Siva, you can start, but take only three minutes.

SHRI TIRUCHI SIVA: Sir, I rise to support the Resolution moved by Mr. Raja to abolish death penalty. Sir, death penalty should not have a place in the 21st century. Is there any proof that the presence of death penalty serves as a deterrent to the crimes? Death penalty is in vogue, but, at the same time, crimes are increasing and that too heinous crimes. So, it is not an assurance that death penalty stands as a deterrent and it prevents crimes being committed. In this situation, a civilized society should not continue to resort to such means of punishment. Maybe in the primitive ages, maybe in those days when there was no democracy, when there was monarchy, these things might have been in practice. But now when democracy is being practiced across the world, and, when lives are being considered so precious, it cannot be treated as it was treated in the Roman Empire period, calling for tooth-for-tooth, nail-for-nail. So, it is high time that we think about abolishing the death penalty. When 102 countries have already abolished death penalty, why can't India, which is always a forerunner in such progressive measures, abolish it? This has

been a point of debate across the country at various fora, including legislative fora. Now, today, we have taken it up in the form of a Private Member's Resolution.

Sir, on December 18, 2014, the United Nations voted to adopt a Resolution calling for a global moratorium on the death penalty with an eye towards its abolition. A record high 117 countries voted in favour of the resolution. The United States was one of just 38 nations that opposed it, and 34 nations abstained. Two years ago, a similar resolution was passed with 111 votes in its favour. This year's resolution also urged those countries that still carry out executions — not to execute juveniles, pregnant women, or people with intellectual disabilities. Sir, it is very shocking to know that even this also is happening across the countries. Sir, the United Nations has passed a Resolution, which so many countries supported, and, India, the forerunner of the tallest democracy in the world, should immediately see to it that death penalty is abolished from our law books.

Sir, the UN Secretary-General, Baan Ki-Moon remarked, "Member States from all regions acknowledge that the death penalty undermines human dignity, and that its abolition, or, at least, a moratorium on its use, contributes to the enhancement and progressive development of human rights.. More than 160 Member States of the United Nations with a variety of legal systems, traditions, cultures and religious backgrounds, have either abolished the death penalty or do not practice it." ...(*Time-bell rings*)... One moment, Sir.

In Tamil Nadu, Sir, seven persons are awaiting death penalty, which, as a sword of the Damocles, is hanging over their heads. They are dying every day. We have been seeing that for the last more than 25 years, they are languishing in the prisons without knowing as to what would happen the next day. Many concerns have been raised here. Article 72 empowers the President to commute a sentence, and, similarly, Article 161 empowers the Governor to commute a sentence. In this situation, while keeping away all other things, taking into consideration the developing world and the civilized society, India should set an example and join the other 102 countries by way of abolishing the death penalty. It will be a very good indication that we are a forerunner in many other things as in democracy. Thank you.

MR. DEPUTY CHAIRMAN: Mr. Navaneethakrishnan, do you want to go now? ...(*Interruptions*)... Not now? Then, I will go by the list. Is it okay? So, now, Mr. Elangovan. ...(*Interruptions*)...

SHRI A. NAVANEETHAKRISHNAN: Sir, I will take only three minutes. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: He will also take three minutes, no problem. ...*(Interruptions)*... Your name is not here. His name is here. ...*(Interruptions)*... What are you doing, Mr. Navaneethakrishnan?

THE MINISTER OF LAW AND JUSTICE; AND THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): Sir, he has to catch a flight. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I asked that. ...*(Interruptions)*... He did not tell me. ...*(Interruptions)*... He should have said that. See, the problem is that this way...

SHRI A. NAVANEETHAKRISHNAN: No, no. Sir, I was under the bona fide impression that my name is there. ...*(Interruptions)*... It is just a communication gap. ...*(Interruptions)*... I honestly feel that I did not violate any rule. ...*(Interruptions)*... I had given the direction to. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please take your seat. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: But it seems that she did not give my name. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please take your seat. ...*(Interruptions)*... First, you obey me; take your seat. ...*(Interruptions)*... The point is: if you wanted to go early, it was enough to intimate me by giving a chit that you have a flight. That is the way. Then, I could have done that. ...*(Interruptions)*... Secondly, now you are objecting. ...*(Interruptions)*... They have given their names. You have not given your name. Even if I am going to call you, I can call you only after exhausting all names already given. That is why, I am not calling you. Please understand. Now, after calling him, if you say, you have a flight then, after three minutes, I can call you. Okay, fine. You understand the rules and cooperate with the Chair. I am ready to cooperate with everybody.

SHRI T.K.S. ELANGO VAN (Tamil Nadu): Thank you, hon. Deputy Chairman, Sir. I rise to support the Resolution moved by our hon. colleague, Shri D. Raja, on abolition of capital punishment. Sir, 103 countries have completely abolished capital punishment *de jure*, by law. They have made amendments to the law to abolish capital punishment. Six countries have abolished capital punishment except for war crimes. For the rest of the crimes, there is no capital punishment; and fifty countries have abolished it *de facto*. For the past ten years, there was no capital punishment awarded to any criminal, any accused on any charge. So, only 36 countries are practising capital punishment. Secondly, Sir, the Fundamental Rights Chapter of the European Union, Article 2, prohibits the use of capital punishment. These are the laws in all these countries. As my dear colleague, Mr. Siva stated, 'an eye for an eye', 'a tooth for a tooth' started with the Roman Empire and the Greek Empire. Even the European Union itself has stopped capital punishment. Only in 36 countries including India, US, China and Indonesia, which contribute to the 60 per cent of the total population, capital punishment is practised. Sir, this is not a right system

for correcting the accused. An accused kills somebody and he gets killed lawfully by the Court! That will not help stop any crime. A criminal should be treated as another man. Any punishment should be used to correct him, to make him do the rightful things in the future. So, capital punishment may not help correct the criminals. Sir, the UN General Assembly had adopted Resolutions four times, in 2007, 2008, 2010 and 2012, and also recently in 2014, for a global moratorium on executions with a view to eventual abolition. So, India should set an example by abolishing capital punishment. In this regard, I think, most of the Members would agree and support the Resolution moved by Mr. D. Raja. Thank you.

MR. DEPUTY CHAIRMAN: Thank you. Now, Shri Navaneethakrishnan. The only thing, is you were absent when your name was called. You had given the name. So, I stand corrected. Now, please take only three minutes.

SHRI A. NAVANEETHAKRISHNAN: Thank you, hon. Deputy Chairman, Sir. Regarding capital punishment, the legal position is, subject to correction, it can be awarded only in the rarest of rare cases. This is the dictum laid down by the Supreme Court. On the procedural side, if the capital punishment is awarded by a Sessions Court, it has to be confirmed by the High Court. Then only, it can be carried out. And then, of course, the provision of further appeal to the Supreme Court is also available. So, the Supreme Court has said time and again that only in the rarest of rare cases, the capital punishment can be awarded in our judicial system. Further, I would like to draw your kind attention that some safeguards are also given in the CrPC, like Section 460 of CrPC talks about postponement of capital sentence on pregnant women. If a woman sentenced to death is found to be pregnant, the High Court shall commute the sentence to imprisonment for life. So, there are some safeguards available. Then, with regard to remission of sentence, this is a right conferred on the State Governments, but the Central Government is usurping that power. I would like to draw the kind attention of this august body towards the List II, Entry IV — I am not reading the irrelevant portion -- "Prisons and the persons detained therein." Also, Section 435 says - 'State Government to act after consultation with Central Government in certain cases'. Suppose a case has been investigated by the CBI, the provision says that the power of remission shall not be exercised by the State Government except after consultation with Central Government. My opinion is subject to correction. This portion is unconstitutional because it infringes upon the State Government's rights as contemplated under Entry 4 of List II of the Constitution. The word 'consultation' means. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Are you reading from a copy of judgement? ...*(Interruptions)*... What are you reading? ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: I am reading CrPC.

MR. DEPUTY CHAIRMAN: Okay, fine.

SHRI A. NAVANEETHAKRISHNAN: And it says, '...shall not be exercised by the State Government except after consultation with Central Government, if the case has been investigated by CBI.' I am limiting to the purpose. So, in a case investigated by the CBI, the State Government is entitled to exercise the power of remission of sentence. What is contemplated is 'after consultation'. It is not concurrence. But the Central Government is taking upon the power of the State Governments. So, it is unconstitutional, illegal. So, I strongly urge upon the Central Government that given the cases where the CBI has investigated the offence and charge-sheeted and the accused are found guilty and convicted, even if the capital punishment is awarded, even in those cases, the State Government has got power to remit the sentence. That power cannot be undermined by the Central Government. Now, the Central Government is unnecessarily interfering with the lives of seven persons of Tamil Nadu. At the instance of our hon. Chief Minister Amma, the State Government has filed a review petition before the Constitution Bench of the Supreme Court of India.

MR. DEPUTY CHAIRMAN: So, let the Court decide. What is the point in...*(Interruptions)*... It is in the Supreme Court, you said. So, let the Court decide.

SHRI A. NAVANEETHAKRISHNAN: Even now the Central Government can file an affidavit, withdrawing the stand taken by the Centre. Nothing prevents it. There is no prohibition legally. The Central Government can file an affidavit stating, 'Yes, the State Government has a right to remit. We are not interfering with rights of the State Government.' So, my honest request to this august House and also to the Central Government is, do not interfere with the State Government's rights. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now, Shri Ananda Bhaskar Rapolu. You take three minutes.

SHRI ANANDA BHASKAR RAPOLU: Respected Mr. Deputy Chairman, Sir, with reverence to comrade Raja for his commitment to see the sedition and death penalty out of the statute...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let me see this comradeship always.

SHRI ANANDA BHASKAR RAPOLU: I stand here with cautious deference towards the suggestion of comrade Raja because there is every necessity to understand the gravity of the crimes. Just recollect the recent Nirbhaya incident. Even after the Nirbhaya Act, what is the situation prevailing across our nation? At the same time, the international law is not prohibiting the death penalty, and the death penalty is not outlawed. But there is an urge to humanize the capital punishment. There is necessity for each and every penalty in the statute but to be used in the rarest of rare cases. Then only, the governance, the Executive, can ensure it. Being the son of the downtrodden, weaker section, weaver community, with concern towards the *dalits* and *adivasis* and minorities in my own way, the observation in the Resolution that 94 per cent of the death sentences are related to *dalits* and religious minorities, this anomaly, has to be attended to. And to

address this problem, the Union Government should ensure a separate commission to deliberate, research and to find out the exact complications. In the rarest of rare cases, whenever death penalty is pronounced, the convict shall have every scope of immunity, every scope of advocate support, family and medical support, as a VVIP of the nation. Then only we can do justice. Let us come out of the injustice to be done to him because of the gravity of the crime. But, behaving humanely, we need to have the compound capital punishment within the statute. And for this, we have to find out the update in consonance with the international observations, we need to have a separate commission. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much. You have become a very good boy. Sorry, you have become a very good hon. Member. ...*(Interruptions)*... In place of three minutes, you took only two minutes.

SHRI ANANDA BHASKAR RAPOLU: Sir, I am always a very good boy for you.

MR. DEPUTY CHAIRMAN: In place of three minutes, he took only two minutes. Now, Chaudhary Munvvar Saleem. Follow his example.

चौधरी मुनव्वर सलीम (उत्तर प्रदेश): उपसभापति महोदय, आपका धन्यवाद और कामरेड राजा को बधाई। महोदय, 1979 में जब रंगा और बिल्ला को फाँसी हुई, उस वक्त हिन्दुस्तान के मशहूर कवि विजेन्द्र ने "मृत्युदंड" के नाम से एक कविता लिखी। उन्होंने उस कविता में कहा कि अगर वाल्मिकी को मृत्युदंड दे दिया जाता तो रामायण जैसी महान किताब दुनिया के वजूद में नहीं आती। इस प्रकार मृत्युदंड का विरोध कवियों ने भी किया।

उपसभापति महोदय, मैं दो-तीन बातें कहकर अपनी बात समाप्त करूंगा। मृत्युदंड को लेकर राष्ट्रीय विधि विद्यालय, दिल्ली के छात्रों ने जो analysis किया है, उसमें 94 फीसदी दलित और धार्मिक अल्पसंख्यक वर्ग के लोगों को मृत्युदंड देना बताया है। भारत के पूर्व राष्ट्रपति स्वर्गीय अब्दुल कलाम जी ने कहा कि जब मैं मृत्युदंड देता हूँ तो मुझे कष्ट होता है और अधिकांश याचिकाओं में सामाजिक और आर्थिक पक्षपात परिलक्षित होता है। इसी प्रकार विधि आयोग के अध्यक्ष, न्यायमूर्ति ए.पी.शाह ने कहा है कि मृत्युदंड के मुद्दे पर पुनर्विचार करने की गंभीर आवश्यकता है क्योंकि इस प्रणाली में अनेक विसंगतियाँ दिखाई देती हैं। मैं कामरेड राजा को मुबारकबाद देते हुए यह कहना चाहता हूँ कि मृत्युदंड, दंड नहीं है, बल्कि एक पछतावा है। हमें अपराधी को नहीं, बल्कि अपराध को समाप्त करने की दिशा में पहल करनी चाहिए। सरकार के माननीय गृह राज्य मंत्री जी यहां बैठे हैं, मैं यह कहना चाहता हूँ कि AFPSA जो है, वह इससे भी खतरनाक कानून है। मृत्युदंड में तो अपील भी है, दलील भी है, लेकिन उसमें न अपील है न दलील है। उसमें आदमी मारा जाता है और कोई सफाई, कोई क्लेम नहीं है। इसलिए इस प्रकार के कानून, जो यह परिलक्षित करते हैं कि इंसानियत का कत्ल हो रहा है, धार्मिक आधार पर, जातीय आधार पर, गरीबी के आधार पर, उनके संबंध में पुनर्विचार करना चाहिए। न्याय तो अपनी जगह है, हमारे देश के एक महान फिल्म कलाकार सुनील दत्त जी ने कहा कि मुझे अपना मकान इसलिए बेचना पड़ा क्योंकि मुझे अपने बच्चे के लिए वकील करना था और मेहनताने के लिए जो पैसा मांगा जा रहा था, वह काफी नहीं था - उनका यह बयान था। इस वक्त हमें इस पर भी बहस चलानी चाहिए कि हमें सत्ता इंसाफ देने के लिए सस्ते वकील भी मिलें। इस उम्मीद के साथ कि सरकार की तरफ से एक अच्छा जवाब आएगा, मैं अपनी बात समाप्त करता हूँ और कामरेड को बधाई देता हूँ, धन्यवाद।

[چوہدری منوہر سلیم]

† چوہدری منوہر (اترپردیش) : آپ سبھاپتی مہودے، آپ کا دھنیواد اور کامریڈ راجہ کو بدھانی۔ مہودے، 1979 میں جب رنگا اور بلا کو پھانسی ہوئی، اس وقت ہندوستان کے مشہور کوئی وجیندر نے ”مرتیوندت“ کے نام سے ایک کویتا لکھی۔ انہوں نے اس کویتا میں کہا کہ اگر والمیکی کو مرتیوندت دے دیا جاتا تو راملن جیسی مہان ککلب دنیا کے وجود میں نہیں آتی۔ اس پرکار مرتیوندت کا ورودھ کوپوں نے بھی کیا۔ آپ سبھاپتی مہودے، میں دو تین باتیں کہہ کر اپنی بات ختم کرونگا۔ مرتیوندت کو لیکر راشٹریہ ودھی ودھیالیہ، دہلی کے چھاتروں نے جو ایٹالاسیز کیا ہے، اس میں 94 فیصدی دلت اور دھارمک الپ سنکھیک ورگ کے لوگوں کو مرتیوندت دینا بتایا ہے۔ بھارت کے سابق راشٹریہ مرحوم عبدالکلام جی نے کہا کہ جب میں مرتیوندت دیتا ہوں تو مجھے کشت ہوتا ہے اور ادھیکاش پلچیکاؤں میں ساماجک اور آرتھک پکشتات پریکشت ہوتا ہے۔ اسی طرح ودھی آلوگ کے ادھیکاش، نیاتے مورٹی اے۔ پی۔ شاہ نے کہا ہے کہ مرتیوندت کے مدعے پر ازمر نوغور کرنے کی سنجیدہ طور پر ضرورت ہے۔ کیوں کہ اس پر نالی میں مختلف وسنگتیاں دکھائی دیتی ہیں۔ میں ماننے کامریڈ راجہ کو مبارکباد دیتے ہوئے کہنا چاہتا ہوں کہ مرتیوندت ایک دت نہیں ہے، بلکہ ایک پچھتاوا ہے۔ ہمیں اپرا دھی کو نہیں، بلکہ اپرا دھ کو ختم کرنے کی دشا میں پھل کرنی چاہیئے۔ سرکار کے ماننے گرہ راجہ منقری جی یہاں بیٹھے ہیں، میں یہ کہنا چاہتا ہوں کہ AFPSA جو ہے، وہ اس سے بھی خطرناک قانون ہے۔ مرتیوندت میں تو اپیل بھی ہے، دلیل بھی ہے، لیکن اس میں نہ اپیل ہے نہ دلیل ہے۔ اس میں آدمی مارا جاتا ہے اور کوئی صقلانی اور کوئی کلیم نہیں ہے۔ اس لیے اس طرح کے قانون، جو یہ پریلیکشت کرتے ہوں کہ انسائٹ کا قتل ہو رہا ہے، دھارمک ادھار پر، ذات کے ادھار پر، غریبی کے ادھار پر، ان کے سمیندھ میں ازمر نو غور کرنا چاہیئے۔ نیاتے تو اپنی جگہ بے ہمارے دیش کے ایک مہان فلم کلاکار سنول دت جی نے کہا کہ مجھے اپنا مکان اس لیے بیچنا پڑا چونکہ مجھے اپنے بچے کے لیے وکیل کرنا تھا اور محتانے کے لیے جو پیمہ مانگا جارہا تھا وہ کافی نہیں تھا۔ انکا یہ بیان تھا اس وقت ہمیں اس پر بھی بحث چلانی چاہیئے کہ ہمیں سمنا انصاف دینے کے لیے سستے وکیل بھی ملیں۔ اس امید کے ساتھ کہ سرکار کی طرف سے ایک اچھا جواب آئے گا، میں اپنی بات ختم کرنا ہوں اور کامریڈ کو بدھانی دیتا ہوں۔ شکریہ۔

डा. सत्यनारायण जटिया (मध्य प्रदेश): उपसभापति जी, बहुत ज्यादा कहने के लिए कुछ नहीं है, यह समझने की बात है। हम जानते हैं कि मृत्यु दंड को समाप्त किए जाने के बारे में जो कहा जा रहा है, वह एक शिक्षित समाज के बारे में, एक दायित्ववान समाज के बारे में, लोकतंत्र में, गणतंत्र में इस परम्परा को स्थापित करना है कि मृत्यु दंड या मृत्यु की सजा देने के कारण क्या हैं? हिंसा का जवाब हिंसा नहीं होता है और यदि हिंसा को जीतना है, तो निश्चित रूप से अहिंसा के माध्यम से ही जीता जा सकता है। यह हमारे देश की आजादी के आंदोलन का परिणाम भी है। इसलिए जो हिंसा की पाश्चिक प्रवृत्ति है, इसको कैसे मिटाया जा सकता है? इसको केवल शिक्षा के माध्यम से मिटाया जा सकता है। जब तक समाज शिक्षित नहीं होगा, जब तक समाज अपने दायित्वों के बारे में जानकार नहीं होगा, तब तक ये बातें सम्भव नहीं हो सकती हैं, इसलिए यह जो प्रस्ताव आया है, सिद्धांततः इससे सभी सहमत हैं। हमें समाज में ऐसी परिस्थितियां निर्मित करनी होंगी, सभी को शिक्षित करना होगा, सभी को नैतिकता के बारे में जागरूक करना होगा, तभी हम एक आदर्श समाज की रचना करने में समर्थ हो सकेंगे। इस प्रकार से हमारे देश के कानून में, ये जो सारी बातें हैं, उनकी कमियों को दूर करने के लिए, उनके लिए उपाय करने के लिए, हमें क्रमबद्ध उपाय करने होंगे। एक आदर्श राज्य की व्यवस्था करने के लिए, जहां न कोई अपराधी हो, न कोई सजा देने वाला है, हमें इस प्रकार की व्यवस्था करनी होगी।

"न राज्यं न राजासीत, न दण्डो न च दाण्डिकः।

धर्मेणैव प्रजाः सर्वाः रक्षन्ति स्म परस्परं॥

हम अपने दायित्व को समझते हुए एक-दूसरे की रक्षा करने में समर्थ हो जाएं, ऐसे आदर्श समाज की स्थापना करने के लिए हम उपाय करें - यही मुझे कहना है, धन्यवाद।

SHRI KIREN RIJIJU: Mr. Deputy Chairman, Sir, thank you very much.

First of all, I am grateful to the hon. Member, Shri D. Raja for moving this very important Resolution, - and to all the hon. Members who have taken part in the discussion, and given very useful and important suggestions. Unfortunately, I am not in a position to respond to each Member because of the paucity of time and because another Member also has to move his Resolution as per the decision of the Chair. So, I hope the House will bear with me. I will be very precise and very short.

I compliment along with Shri D. Raja, Dr. E.M. Sudarsana Natchiappan, Dr. Subramanian Swamy, Shri Meghraj Jain, Shri Majeed Memon, Shri Shantaram Naik, Shri Basawaraj Patil, Shri Vishambhar Prasad Nishad, Shri Navaneethakrishnan, Shri Sukhendu Sekhar Roy, Dr. Anil Kumar Sahani, Shri T.K. Rangarajan, Shri Tiruchi Siva, Shri Ananda Bhaskar Rapolu, Shri T.K.S. Elangovan, Chaudhary Munvvar Saleem and Dr. Satyanarayan Jatiya for making important contributions.

Sir, as I have stated, all the hon. Members have made important suggestions. Let me take this reply with the provisions of the death penalty which exist in India in the Indian Penal Code, 186, and it is provided under Section 53 of the Chapter 3 of the punishment.

[Shri Kiren Rijiju]

6.00 P.M.

The punishment of the death sentence has been specifically mentioned and recognized by the Constitution of India. In a criminal justice system stipulation, included in the articles 72, 134, and 161. Let me briefly explain. Article 72 is about the President's clemency. They can appeal to the President of India. Article 134 is a provision where you can move the Supreme Court for condoning. Article 161 gives power to the Governor of a State.

The Law Commission of India has dealt with this issue in detail. At the same time, I must also admit that the Resolution moved by Shri D. Raja and many Members who have spoken is very, very humane. We must take into account the humane approach in dealing with any kind of penalty for any crime.

The 35th Report of the Law Commission of India has thoroughly deliberated on this matter. Let me read one small relevant portion.

"The issue of the abolition or the retention has to be decided on a balancing of the various arguments for and against retention. No single argument for the abolition of retention can decide the issue. In arriving at any conclusion on the subject, the need for protecting the society in general and individual human beings must be borne in mind."

Sir, when we are talking about any punishment for any crime, penalty is always either in the form of deterrent or retributive or reformative. These days, there is a debate going on whether the punishment should be more reformative, or deterrent, or retributive in nature. जैसी करनी, वैसी भरनी। जतिना बड़ा आपका crime है, उतनी आपको सज़ा मलिनी चाहिए। इसका भी concept चला है और इस पर सुप्रीम कोर्ट की समय-समय पर रूलिंग्स आई हैं, जो relevant हैं। And we know, Sir, that the rulings of the hon. Supreme Court become the law of the land. The Supreme Court has made it very clear that the death penalty can be awarded only in very exceptional circumstances, and as a very unavoidable alternative. If there is no other alternative to award punishment in a crime, then only the death penalty should be invoked. At the same time, it is also stated that if a lower court awards death penalty, the appeal for that lies with the High Court, and if the High Court also confirms it, then an appeal in the Supreme Court is automatic. That provision is already there. Even after all the remedies are exhausted, a condemned prisoner can file a petition to the Governor — as has been mentioned earlier about these provisions in the Constitution of India — or to the President of India for the grant of pardon. Sir, there are elaborate inbuilt mechanisms and safeguards that have been provided in the Constitution. The

hon. Members may recall that only recently the hon. Supreme Court of India had sat at midnight, which rarely happens in the whole world. It was very rare about our country; our judicial system is so exhaustive. Everything was deliberated till the very end of the case. We were also surprised, but we were also very happy that our judicial system was so open for the common people, common citizens of our country. So, we have to recognize the availability of the means in our country.

Besides that, there are many factors, mitigating factors like health, age, physical and mental condition, sex, antecedents, upbringing, social and economic conditions of the offender, which are taken into consideration at the final stage before the judgment is pronounced.

Sir, one of the landmark judgments was in Bachan Singh's case. The Supreme Court had made certain observations. These observations are quoted quite frequently while arguing whether a case is the rarest of the rare case or not. I will read out only the relevant portions, Sir. It says,

"It cannot be overemphasized that the scope and concept of mitigating factors in the area of death penalty must receive a liberal and expansive construction by the courts in accord with the sentencing policy writ large in Section 354(3). It is, therefore, imperative to voice the concern that courts, aided by the broad illustrative guidelines indicated by us, will discharge the onerous function with evermore scrupulous care and humane concern, directed along the highroad of legislative policy outlined in Section 354(3), viz., that for persons convicted of murder, life imprisonment is the rule and death sentence an exception. A real and abiding concern for the dignity of human life postulates resistance to taking a life through law's instrumentality. That ought not to be done save in the rarest of the rare cases when the alternative option is unquestionably foreclosed."

So, Bachan Singh's case is again re-emphasised in the Machhi Singh's case where a five-point formula was given so as to identify the rarest of the rare case. It is very important that when we talk about the rarest of the rare case, the formula, must be very clear. Briefly, Sir, the formula includes the manner, the motive, the anti-social nature of the crime, the magnitude of the crime and the personality of the victim. If we had time, Sir, I could have elaborated it more, but since we have to conclude early, I would read out only the points. Sir, there is a big demand, the pressure which we have in the society. We have some of the cases in the last few years where there were enough pressures. And for

[Shri Kiren Rijiju]

the information of this hon. House, I would like to say that before this Resolution, this august House had discussed another Resolution moved by the hon. lady Member of this august House where it was so much emphasized that the crimes against women, atrocities against women and children, must be severely punished, and a provision of death penalty must be there. That was the sense of the House. We are witness to that. Just recently, we had witnessed it in this august House, and the sense of the House is very important, and the hon. Members put forward different kind of arguments which we have considered. I have patiently heard all the arguments and there is a valid argument being put forward by the hon. Members. We accept it. We could have gone ahead and discussed it elaborately if we had time. That is why I said, since we are short of time, I am coming close towards the conclusion of my reply.

Sir, the death penalty was discussed in an elaborate manner by the Law Commission. The report of the Law Commission has come to the Ministry of Home Affairs through the Ministry of Law and Justice. Besides many other things, the Law Commission has recommended that death penalty be abolished for all the crimes other than terrorism-related offences and waging of war. Of course, the Law Commission has not talked about rape which of course, is a big issue. But they have at least mentioned that in cases related to terrorism and waging war, there must be a death penalty in this nation.

Sir, many Members have mentioned about the United Nations Charter. Article 247 of the United Nations, Chapter 1, Purposes and Principles, clearly stipulates that nothing in that Charter shall authorize the United Nation to intervene in the matters which are essentially within the domestic jurisdiction of any State, that means, the sovereignty of a State. Every State has the inalienable right to choose its legal and criminal justice system without interference by any other State. Sir, India is a sovereign State and India has its own way of formulating the law. We have the system, and we have to carry the sentiments of the people. So, Sir, I am once again taking your permission to take it towards closing of this very important discussion that although we agree with the sentiments being put forward by the hon. Members, especially, Shri D. Raja, who has exhaustively put forward his argument. We share his sentiments but the circumstances, the situation in which India exists, the society in which we are living, do not warrant the abolition of death penalty in the present time. So, I would request the hon. Member, Shri D. Raja, who is very learned, who is always very kind, very soft spoken and very considerate, to withdraw this Resolution which he has moved. But, at the same time, all those issues which he has raised about the poor people, the backward community, we will take into account all the concerns raised by him.

MR. DEPUTY CHAIRMAN: Mr. Raja, what do you have to say?

SHRI D. RAJA: Sir, at the outset, I thank all my colleagues who participated in this discussion. I also thank the Minister who responded to the discussion. He is one of the youngest and very lovable Ministers in the Government.

MR. DEPUTY CHAIRMAN: But no thanks to the Chair. You are thanking everybody.

SHRI D. RAJA: I am coming to that. I am thankful to the Chair also. Without thanking you, how can the proceedings go on? What I am saying is that I have to make certain points.

It is not a question of technicality or simple legality. We should look at this issue of capital punishment from a philosophical position, from a moral position. Can India, being a civilized nation, we are proud of our civilization, continue to have capital punishment? That is my fundamental question. For that, we are a sovereign nation. We go by what the United Nations say on many issues. But when it comes to this issue, we say, we are a sovereign nation, we have the right to decide what is suitable to our country. I agree, but at the same time, the United Nations represents the international community. The international community is moving towards abolishing the death sentence, capital punishment. I want to know whether India will move along with the international community or India as a nation will lag behind. That is what the Government must think over. Even some Members referred to the United States of America. But many States in the United States of America have said 'no' to capital punishment. Many States within the United States of have said 'no' to capital punishment. My friend was talking about the State rights. We have not gone to that extent of having a federal system in our country. But there in the United States of America, several States have said 'no' to capital punishment. Some Members said that China, which is a Communist country, has the capital punishment. If China has that capital punishment, not necessarily India should have that punishment. Why should we follow China? Let us not take China as a model for this. India should have its own position; India should stand up on its own moral and philosophical understanding. That is what I am asking. Now, the time has come when India as a nation should say an emphatic 'no' to capital punishment. So, that is my position.

Sir, I am not the first person who has moved this Resolution. I can tell you that in the very same august House, in 1958, Shri Prithviraj Kapur had moved a Private Member's Resolution on abolition of capital punishment.

DR. T. SUBBARAMI REDDY: Are you talking of the film actor?

SHRI D. RAJA: Yes, he was a Nominated Member of this House. He moved a Private Member's Resolution against capital punishment. In 1961, Ms. Savitri Devi Nigam also moved a Private Member's Resolution demanding the abolition of capital punishment. I think, this is the third occasion when the august House is discussing this question.

Sir, the Minister also referred to the Law Commission. I am quoting the 262nd Report of the Law Commission of India on Death Penalty in India, which was released in August, 2015. The Law Commission of India recently released its Report on death penalty in India wherein it recommended swift and irreversible abolition of death penalty. This is the recommendation of the Law Commission. Even several senior Members have said that the Law Commission should be asked to probe or study the circumstances in which crimes take place, and how the punishment should be given. Sir, even the Supreme Court, as a matter of principle, has agreed against death penalty. That is why the Supreme Court went to the extent of saying, 'rarest of the rare cases'. Sir, the very same Supreme Court has spoken about miscarriage of justice, arbitrariness in award of death penalty. Sir, I can quote the cases where they have mentioned it. Even the Minister was referring to some cases. The Supreme Court mentioned in concrete, specific cases how miscarriage of justice has taken place, how arbitrariness in awarding the death sentence took place. ...*(Time-bell rings)*... So, Sir, what I am saying is, the time has come when India should conduct itself as a civilized nation.

India should say an emphatic 'no' to death sentence, capital punishment. When we move towards that, then we should also think of comprehensive prison reforms, and comprehensive police reforms. Because, even in the case of convicts, it is the responsibility of the State to prove that a convicted person can't be reformed. That becomes the responsibility of the State. In such a situation, we should go in for comprehensive jail reforms and police reforms. Sir, some Indian citizen is given death sentence in some other country. It happened recently. India is asking for leniency saying, 'They must not be given death sentence, they must be condoned, they must be freed.' We ask for leniency in other countries, but when it comes to our own citizens, our own country, then we think, 'Oh! There is a need for death sentence.' This logic is not an acceptable one. It is illogical in a way. That is why, India, as a civilized nation, should emerge as a model for other countries. After all, we are proud of our civilization as India has given to the whole world the philosophy of non-violence, the philosophy of compassion, the philosophy of reforming people and making the citizens live in dignity. In such a circumstance, I appeal to the House, I appeal to the Government, that it should accept this Resolution. India should say an emphatic 'no' to capital punishment and we should go in for a comprehensive jail reform, police reform and administrative reform. After all, we should

create an atmosphere where citizens live in dignity and live as real social beings. That must be our approach. I insist that this Resolution be accepted.

MR. DEPUTY CHAIRMAN: Having said all this, you may withdraw the Resolution. Are you withdrawing?

SHRI D. RAJA: I am not withdrawing. Let the House go for vote. The history will give its judgment. If not today, tomorrow, the very same House will discuss the same issue. If not tomorrow, any other day, the very same House will discuss the issue. Parliament will have to take a position. We should have respect and trust in our own people. There are countries in the world where you will find highest rate of crimes, but they say 'no' to capital punishment. In India, all said and done, there are heinous crimes, I agree. At the same time...

MR. DEPUTY CHAIRMAN: These are unforgiveable heinous crimes.

SHRI D. RAJA: I agree. But, how do we reform the society?

MR. DEPUTY CHAIRMAN: Now, if you don't withdraw, I will have to put it to vote. That is the problem.

SHRI D. RAJA: Please put it to vote. Let the House reject it.

DR. T. SUBBARAMI REDDY: Let it be voice vote.

MR. DEPUTY CHAIRMAN: Yes, I know. Mr. Raja, don't you like to withdraw?

SHRI D. RAJA: Then, I will lose my...

MR. DEPUTY CHAIRMAN: All right.

SHRI D. RAJA: I have taken up this issue as a mission, with a missionary zeal. It is my objective, my mission to campaign against death penalty.

MR. DEPUTY CHAIRMAN: All right.

SHRI KIREN RIJIJU : Sir, if the hon. Member is pressing for the vote, let me make the position clear because the criminal law and criminal procedure are in the Concurrent List of the Constitution of India's Schedule VI. The 262nd Law Commission of India's Report, which is forwarded to the Ministry of Home Affairs by the Ministry of Law & Justice, was mentioned by me earlier. We are duty-bound to circulate it to the States. We have got reports from nine States. We have a federal structure and we have to keep the spirit of the Constitution in our mind.

Let the reports from each State also come. We have already got reports of the nine States. I can name the States in Indian territory who have sent the reports. They are Chhattisgarh, Mizoram, Kerala, Karnataka, Sikkim, Gujarat, Goa, Manipur and Delhi. They have already submitted their views. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: There will not be any other further discussion. You cannot continue like this.

SHRI KIREN RIJJU: That is why in the spirit of the Constitution the hon. Member may withdraw that.

MR. DEPUTY CHAIRMAN: What he said is, the nine States have given their view. They are waiting for other States also. After that, they will finally go through it and examine it.

SHRI D. RAJA: No, Sir, the Minister in his reply, in fact, justified why he is having...

MR. DEPUTY CHAIRMAN: So, you are not withdrawing. Okay, sit down.

SHRI D. RAJA: You can...

MR. DEPUTY CHAIRMAN: All right. I am now putting the Resolution moved by Shri D. Raja to vote.

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now, we shall take up the next item.

II. Need for taking immediate steps to remove all bottlenecks in economy in order to achieve speedy economic development and higher growth

DR. T. SUBBARAMI REDDY (Andhra Pradesh): I rise to move the following Resolution:

"Having regard to the fact that:—

- (i) India requires speedy economic development and higher growth rate to make it among the few large economies in the world with propitious economic outlook;
- (ii) infrastructure development is one of the key components for industrial development and engine of growth;
- (iii) road network is one of the essential parameters for economic development and communication;