

17.43 hrs.

Title: Discussion on the Colonial Prisoners Removal (Repeal) Bill, 2000. (Bill Passed)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): Madam, I beg to move:

"That Bill to repeal the Colonial Prisoners Removal Act, 1884, be taken into consideration. "

Madam, I stand to place before this House for consideration, passing a very innocuous, simple and repealing a non-functioning Act, namely, The Colonial Prisoners Removal (Repeal) Bill, 2000.

In fact, it is so anachronistic, so irrelevant that after the departure of Britishers, it has no value and even the Commission on Review of Administrative Laws, headed by Shri P.C. Jain had recommended that such Bills must be removed from the statute book. Through this Bill we are seeking the repeal of the Act, which has neither any functional validity nor does it serve any purpose, except that it adds only to the fat of the statute book.

The Colonial Prisoners Act was passed when the British Government had a large number of colonies and with a view to providing for the shifting, removal of prisoners and criminal lunatics from one colony to another or to the main land. It has lost its relevance immediately after Independence. In fact, this should have been repealed long back. The Act has become quite obsolete. There is no justification for its retention in the statute book.

Therefore, I would request this House that this Colonial Prisoners Repeal Bill, 2001, which seeks to repeal the original Act may kindly be passed. If the House permits, I do not think, it needs any debate on the irrelevant, obnoxious and functionally dead Bill, which is only adding to the statute book.

The Commission has also recommended that all such Acts must go.

MR. CHAIRMAN : Motion moved:

"That the Bill to repeal the Colonial Prisoners Removal Act, 1884, be taken into consideration. "

DR. NITISH SENGUPTA (CONTAI): Madam, let there be no debate on this.

...(Interruptions)

MR. CHAIRMAN : I have no unilateral powers. The names are there. Let me ask them.

Shri Nachiappan, do you want to speak? You can just get up and support it.

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Madam, we are supporting the Bill but we would like to take advantage of this opportunity to tell certain grievances.

MR. CHAIRMAN: Okay, you can take five minutes.

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): I would like to draw the attention of the hon. Minister that the prisoners involved in the Union Government cases – Narcotic or Customs or FEMA or IPC – are suffering a lot. ... (Interruptions) Even though, prison comes under the subject of the State Government, I would like to point out that the maintenance of the prison is very poor and the human rights of the prisoners are violated. The Union Government should look into that aspect because the Union Government is also funding the maintenance of the prison. The prisoners especially in Tamil Nadu, Bihar and in such other States need a lot of improvements. When the prisoners are taken out from the prison to the court and back to prison, they are treated just like animals. The exposure to media is also very much unnecessary. Till they are convicted, they are innocent. In Tamil Nadu, they are removing the shirt of the prisoners and they are photographed. They are also exposed to Television. I would like to know as to why such type of human rights violation is being allowed since they are also human beings.

In *hawala* and such other cases, after so much of exposure and interference of the courts, they were acquitted. What will happen to the damage of their fame and also their reputation? Therefore, I would like to draw the attention of the Government to this aspect.

I would like to conclude by saying that the rights of the prisoners should be protected. They should be treated as citizens with all respects till they are convicted; and after conviction also, they should be treated as human beings.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Madam Chairperson, I rise to support this Bill. I would raise a pertinent question. The Jain Commission had recommended that about 1100 obsolete laws to be repealed. One such Bill, which is the Repealing and Amending Act, is under the consideration of this House.

My suggestion is that instead of taking up the Bills piece-meal, all these Bills could have been taken together so

that we could have thought of sparing some time of this House for some other purpose. ...(*Interruptions*)

MR. CHAIRMAN : But still everybody would have insisted on talking on every Bill.

SHRI ANADI SAHU : Madam, this is an obsolete Bill. I would request you to go back to Botany Bay of Australia of the Seventeenth Century when the penal settlement for transportation of prisoners was set up by the British. The penal settlement has now become a big State and lots of people are there. They had imported rabbits also. Rabbits are proliferated and they are all peace-loving creatures. So, in the present context, I would say that there is no necessity of any harsh laws.

Andamans, as all of us know, had been a penal settlement. The 1897 Criminal Procedure Act had different penal provisions. One is death; second is transportation for life; and the third is imprisonment for life and all other things. In 1957, the transportation for life was taken out.

These Acts have already lost their relevance. Now, since we are thinking of reformative provisions in Penal Code, not retributive provisions, why should we keep all these Acts? There are some other Acts also which are irrelevant in this context and they have to be removed immediately. Since time is running out, I think it is not necessary to discuss all those penal provisions which are retributive in nature. This one had been enacted in the 31st year reign of Queen Victoria and that provision is not relevant now. Since we have become an independent country, these things should go and I support these provisions.

DR. NITISH SENGUPTA (CONTAI): I have a suggestion. All these Acts should be taken in one instance and then, repealed.

MR. CHAIRMAN : I just wanted to ask the Minister one thing. I do not know if it is still there. Till very recently, the King's birthday was a holiday for all prison personnel as part of the Prison Act. I do not know if that has been amended or not but nobody had even realised it was in the Statute Book till very recently.

SHRI KHARABELA SWAIN (BALASORE): Are these prisoners still enjoying the holiday?

MR. CHAIRMAN: I do not know. That is why, I am asking the Minister. Many of the old laws have never really been looked into in detail to look at all the provisions which are outlived.

SHRI I.D. SWAMI: Madam, perhaps the Government decided in the Law Ministry that all the Ministries should take up their obsolete laws for repeal separately. That is why, they are coming one by one. Otherwise, I do not think there could be any such *modus operandi* whereby all the Bills can be brought by one Ministry at one time because every Bill has to go to the Cabinet. Every Bill has to go to the Law Ministry for vetting and all that. Those must be deleted.

MR. CHAIRMAN: Even that procedure should be declared obsolete.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Madam, the Law Ministry is clubbing a few of them. I think, in Rajya Sabha there is one Bill which consists of 21 Bills. We are also trying to club as many Bills as possible to repeal.

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SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Madam, Chairperson, I welcome this Bill to repeal the Colonial Prisoners Removal Act, 1884. I wonder why this has been kept so long.

MR. CHAIRMAN: That is right. We are all wondering.

SHRI PRAMOD MAHAJAN: We waited for you to come to Lok Sabha and welcome all these things.

SHRI M.O.H. FAROOK (PONDICHERY): Let us pass it.

SHRI M.V.V.S. MURTHI: It has been 50 years now. It should have been done. I do not want to take up the valuable time of the House. But we should emulate the good work that has been done by late Shri Indrajit Gupta when he was the Home Minister. It goes to his credit. He has let off those who have not been charge-sheeted.

MR. CHAIRMAN: How can he let off those persons?

SHRI M.V.V.S. MURTHI : So, he has done such of these good works. From 30,000, he has brought down to about 1500 or 1600 prisoner's colony without charge-sheeting, without assigning any reason for imprisonment in this present modern society.

MR. CHAIRMAN: Shri Murthi, most of them are women who have never been charge-sheeted and who have no one

to bail them out.

SHRI M.V.V.S. MURTHI : I agree with that. But there is no discrimination. Whether these women were brought before the law or not but many of them have been imprisoned without assigning any reason. I welcome this repeal Bill. With these words, I conclude.

MR. CHAIRMAN: Now, the hon. Minister, you have nothing much to reply.

SHRI I.D. SWAMI: Madam, I have nothing much to reply except assuring them that so far as the Government of India is concerned, we always give a lot of money to the State Government though our financial help is meant only for certain definite categories like transport, communication, medical care, repair of buildings, etc. Prison is the State subject basically.

But all the same, the hon. Members have made some good suggestions. So far as the human rights of the prisoners are concerned, I think the Human Rights Commission and all other courts are available for them also. But still the hon. Members have made some suggestions. We will certainly keep it in view, and at the appropriate time, we would write to the State Governments also to take care of them.

With these words, I once again, repeat that this Bill which is innocuous, which is old and obsolete may kindly be passed.

MR. CHAIRMAN : The question is :

" That the Bill to repeal the Colonial Prisoners removal Act, 1884, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The House will

now take up clause by clause consideration of the Bill.

The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1

Amendment made :

Page 1, line 4, --

for "2000"

substitute "2001" (2) (Shri I.D. Swami)

MR. CHAIRMAN : The question is :

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

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

Enacting Formula

Amendment made :

Page 1, line 1,--

for "Fifty-first"

substitute "Fifty-second" (1) (Shri I.D. Swami)

MR. CHAIRMAN : The question is :

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

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

The Title was added to the Bill.

SHRI I.D. SWAMI: I beg to move :

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

MR. CHAIRMAN : The question is :

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

The motion was adopted.

MR. CHAIRMAN : We have three minutes to go. Would like the Minister of Law, Justice and Company Affairs and Minister of Shipping to move the next Bill?

SHRI A.C. JOS (TRICHUR): No, no.

श्री थावरचन्द गेहलोत (शाजापुर) : इस बिल को 15 मिनट में पास करवा दें।

संसदीय कार्य मंत्री तथा सूचना प्रौद्योगिकी मंत्री (श्री प्रमोद महाजन) : छः बजे का मतलब छः बजे होना चाहिए।

सभापति महोदय : इसके लिए एक घंटे का समय दिया है।