

Title: Discussion on the Indian Majority (Amendment) Bill, 1999 (Bill passed.)

MR. SPEAKER: Now, the House shall take up item no. 14 -- Indian Majority (Amendment) Bill, 1999 for consideration and passing.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): Sir, I beg to move:

"That the Bill further to amend the Indian Majority Act, 1875, as passed by Rajya Sabha, be taken into consideration."

Mr. Speaker, Sir, this Bill and the next two Bills are totally non-controversial Bills. In fact, they are very sensible ones. But I must say that the sense is no my contribution. These I have inherited from the previous Governments. They were introduced in 1997. They had been passed by one House but unfortunately they got lapsed. So, they have been re-passed by the Rajya Sabha. I must inform this House that in the Rajya Sabha, with the unanimous cooperation of all the sections of the House, all the three Bills were cleared in 20 minutes. And, I hope, Sir, we will repeat that performance here.

Sir, the first Bill is intended to remove one anomaly which exists from 1875. The age of majority for everybody is 18 except those in respect of whom some court had appointed a guardian either of person or property.

Now, we are seeking to abolish that distinction. The distinction is absolutely meaningless.

In fact, we have given voting rights to everybody at the age of 18. Those who can vote, certainly enter into contracts. I suggest that the anomaly should be removed.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Indian Majority Act, 1875, as passed by Rajya Sabha, be taken into consideration."

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Speaker, Sir, I rise to support this Bill. As the hon. Minister has said, it is certainly a sensible piece of legislation and there was indeed no reason to really have that sort of distinction between citizen and citizen of the country and the amendment is very timely. But, at the same time, I seek this opportunity to say only a very few words and assure the hon. Minister that we would like to complete all the three Bills within the time frame that he has laid down. I would have expected the hon. Minister to be more sensible than the previous Government. I must really appreciate his stand that he would try to have an appraisal of all the Bills that are on the Indian statute book now and try to omit, amend or delete wherever there is the need of making an amendment, so that we have a working law and not an archaic law that presently exists on our statute book. For that reason, I thought this Act could have been really replaced by a new Bill altogether. It is a three Section Bill. Why should we continue to have the Indian Majority Act, 1875 after this amendment by this Bill? It is totally innocuous position and, therefore, I am pointing out this position.

">It is stated in Section 2 (c) as follows: -

">"2.Nothing herein contained shall affect:

">(c) the capacity of any person who before this Act came into force has attained majority under the law applicable to him."

">That was in 1875. I do not think those people to whom this Clause would apply would be living now. It is not an objection. It is just a suggestion. But certainly without any reservation whatever, we support this Bill because it is not really trying to take credit for that but when Congress Government was in power, a move was initiated to amend the Constitution and then to amend the Representation of People Act to lower the voting age to 18. Very rightly, as the hon. Minister said, there was some disqualification attached to some youngsters in whose cases, there was some appointment of a guardian by the court. In those cases, age of majority was taken to 21. There was absolutely no need and, therefore, it is rightly reduced to 18. We support this Bill.

">SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): I support the Bill.

">SHRI K. YERRANNAIDU (SRIKAKULAM): We fully cooperate. This Bill need not be discussed in this House.

">SHRI RAM JETHMALANI: The Bill may now be passed.

">MR. SPEAKER: There is a procedure in the House that the Bill should at least be discussed for 20 minutes. Otherwise, there will be a problem.

">THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): The hon. Minister can reply for the rest of the period!

">SHRI PAWAN KUMAR BANSAL : We have been passing Bills without discussion also.

">MR. SPEAKER: We can do it without discussion. But we have already started the discussion. Three Bills are there.

">SHRI PAWAN KUMAR BANSAL : You can very well waive that.

">MR. SPEAKER: Shri Varkala Radhakrishnan will now speak.

">1415 hrs.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Mr. Speaker, Sir, while supporting the intention of the legislation, I have to mention certain things which may weigh with the Government.

">Why do we not reduce the age of majority to 16 years in the changed situation, especially because of the development in scientific knowledge and scientific processes? We have even increased the retirement age of Judges from 65 years to 68 years. To some extent, we have even increased the age of superannuation to 70 years. In that case, why do we not reduce the age of majority to 16 years? Why should it be 18 years? We will have to consider about this aspect.

">In the case of some criminal cases, I hope that the hon. Minister will remember, we give weightage to the age of sixteen years because at that age a man is capable of taking a reasonable decision in certain matters. So, I would suggest that in all matters we have to reduce the age of majority from 18 years to 16 years.

">Then, why should we not allow the girls to get married at 16 years of age? Girls aged 16 years are not allowed to marry and the Minority Act will come into play. That is why I suggested that the age of majority should be reduced from 18 years to 16 years. ... (Interruptions) It should not be reduced below 16 years because there is already a legal conception that sixteen years is the age where we decide mens rea. It is at this age that the mind can decide what is wrong. So, why should we not take into consideration and reduce the age of majority to sixteen and allow girls to get married at sixteen years of age? I would suggest that this may be considered by the Law Minister in proper perspective.

">With these words, I support the provisions of the Bill and I wholeheartedly support the Minister to proceed with the passing of the Bill.

">THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): Sir, the hon. Member has talked about sixteen years of age to be the age of majority. Normally it is otherwise also logical that it should be 'sweet sixteen' and not 'eighteen'.

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श्री नामदेव हरबाजी दिवाथे (घिमूर) : महोदय, मेरा कहना यह है कि जो १६ साल का सदस्य महोदय ने प्रस्ताव रखा है, १६ साल की उम्र में आदमी परिपक्व नहीं होता। हमारे मराठी में एक कहावत है- 'सोढवा वर्ष धोक्याचा,' सोलवा साल बड़ा खतरनाक होता है, वह कुछ भी विचार कर सकता है। इसलिए १६ साल की उम्र वयस्कता के लिए ठीक नहीं है। १८ साल की उम्र ठीक है।

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प्रो. रासा सिंह रावत (अजमेर) : महोदय, माननीय विधि मंत्री द्वारा प्रस्तुत भारतीय वयस्कता (संशोधन) विधेयक, १९९९ का मैं समर्थन करता हूँ। यह प्रसन्नता का विषय है कि लगभग १८७५ में यह मूल कानून बना था, अब सवा सौ से भी अधिक वर्षों बाद इसमें संशोधन होने जा रहा है और इसमें सारे सदन की भी पूर्ण सहमति है। वास्तव में कानून में एकरूपता और निश्चितता होनी चाहिए। ये दो बातें कानून में बहुत आवश्यक हैं। जब मतदान के लिए १८ वर्ष की आयु हो गई है और बाकी हर चीज में भी १८ वर्ष की आयु वयस्कता के लिए मानी जाती है तो जो सम्पत्ति को देखभाल करने के लिए गार्जियन बनते हैं उनके लिए २१ वर्ष की आयु क्यों हो। इस प्रकार का भेदभाव मिटाने के लिए यह बिल लाया गया है। मैं समझता हूँ कि अब समय आ गया है कि हमारे जितने कानून अंग्रेजों के समय में बने थे, उनमें कहीं कोई कमी या अनिश्चितता की स्थिति हो,

"> तो उसके अंदर परिवर्तन लाने की आवश्यकता है। आज जो दो-तीन बिल आए हैं वे वर्तमान आवश्यकताओं को ध्यान में रखते हुए आये हैं। हमारी जो नयी सरकार आई है वह कानूनों के बारे में अध्ययन करके, जनहित में इस प्रकार के संशोधन करेगी। मैं इस बिल का पूरजोर समर्थन करता हूँ। धन्यवाद।

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SHRI G.M. BANATWALLA (PONNANI): Mr. Speaker, Sir, I rise to support the Bill. Of course, there is nothing much to be said about it. But the hon. Member Shri Radhakrishnan has suggested that it should be reduced to 16 years. That should be considered seriously.

">As it is, an anomaly does exist when in criminal matters, you do consider 16 years as an age, but I do not know why we should be reluctant to accept this age of 16 here. There are various Bills and various Acts which are in the Statute Book and.

">I understand that nearly 116 of them have been identified for purposes of modification or repeal, etc. A Committee, I believe, was appointed by the Government and they had suggested that 116 of these are to be repealed or modified. I would therefore request the Government that the process of consideration of those Acts which are to be modified or repealed should be expedited; and we should act as speedily as possible in that regard.

">I would also like to take this opportunity to point out one more anomaly that exists. It may not be very relevant to this particular Bill, but then the Law Minister is here and he will surely apply his mind to that particular question. He has referred to the age which we have accepted for voting right. He has correctly said that one who attained the age of 18 is entitled to vote. You will remember that earlier the voting age was 21 years. But it was reduced to 18 years. At the same time, one more thing was forgotten; that is, the age of a person to be a Member of this House or of the Legislative Assembly, was kept as 25 years when the voting age was 21 years. When we reduced the voting age from 21 years to 18 years, here also, the age at which a person can contest for Assembly or the Lok Sabha should have been accordingly reduced from 25 years to 21 years. That particular aspect can be considered, of course, with the reforms of the Electoral Law. I feel that such anomalies should be removed.

">With these words, I support the Bill.

">MR. SPEAKER: Shri Selvaganpathi.

">We have to continue the debate on these Bills up to 3 o'clock, after which we can take up the Private Members" Business. That is why, I am requesting more hon. Members to participate.

SHRI T.M. SELVAGANPATHI (SALEM): Mr. Speaker, Sir, I thank you very much for giving me this opportunity to speak.

">I rise to support the Bill. I also support the views of the hon. Members who suggested that the age may as well be brought down to 16 years. It would have been even better on certain social cause. In villages, child marriages take place and they start at the ages of 13 or 12. In our social conditions, it is better if it is made as 16 years. But then, the Bill suggests, of course, to reduce it only to 18 years.

">The clarification which I would like to seek from the hon. Minister is this. There are suits which are to be filed once a person who is a minor becomes a major. The time period given is three years; that is, once a person becomes a major, he can seek remedy within three years.

">If the law is amended, assuming that a person is twenty years old, I would like to know whether that person's right to file a suit is extended upto 23 years or it is restricted to 21 years only. How is it differentiated? It is the one point on which I seek the clarification of the hon. Minister.

">With these words, I support the Bill.

">श्री जसवन्त सिंह बिश्नोई (जोधपुर) : माननीय अध्यक्ष महोदय, माननीय कानून मंत्री द्वारा प्रस्तुत भारतीय वयस्कता कानून का मैं समर्थन करता हूँ। जो नाबालिग बच्चे हैं और जिन के चिल्डन कोर्ट में चालान पेश होते हैं, वे करीब १५ वर्ष से कम की उम्र के बच्चों के होते हैं। मैं माननीय मंत्री जी से जानना चाहूंगा कि क्या चिल्डन कोर्ट में १८ वर्ष से कम उम्र के बच्चों के चालान पेश किए जाएंगे? जो बच्चे छोटे-छोटे अपराध में पकड़े जाते हैं और उनकी उम्र १५ वर्ष से कम होती है तथा जिन के चिल्डन कोर्ट में चालान होते हैं, उन्हें प्रोबेशन पर छोड़ा जाता है। इस कानून के पास होने के बाद १५ वर्ष से कम उम्र वाले बच्चे जिन के खिलाफ चालान चिल्डन कोर्ट में पेश हुए, क्या अब वे १८ वर्ष के बाद पेश होंगे? गांवों के नाबालिग बच्चे जिन की उम्र के बारे में जानकारी नहीं होती है, इस बिल के पास होने के बाद, उनको क्या फायदा होगा? इतना ही मुझे कहना है।

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">१४२७ बजे (श्री के.येरननायडू पीठासीन हुए)

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">श्री शंकर प्रसाद जायसवाल (वाराणसी) : माननीय सभापति जी, माननीय न्याय मंत्री जी की ओर से जो संशोधन विधेयक लाया गया है, मैं उसके समर्थन में बोलने के लिए खड़ा हुआ हूँ। माननीय मंत्री जी ने बड़ी बुद्धिमानी से कानून की धारा को बदलने के लिए यह संशोधन विधेयक लाने का कष्ट किया है। अभी एक माननीय सदस्य ने कहा कि १८ वर्ष की वयस्कता को प्रमाणित करने के लिए यह विषय प्रस्तुत किया गया है। विभिन्न क्षेत्रों में विभिन्न प्रकार की आयु सीमा के बारे में विचार प्रकट करते हुए एक माननीय सदस्य ने कहा कि विधान सभा और लोक सभा में जो उम्र सीमा है, उसे भी कम कर दिया जाए। मैं बहुत अदब के साथ कहना चाहता हूँ कि उसे कम करने की आवश्यकता नहीं है। जहाँ तक विधान परिषद, विधान सभा, राज्य सभा और लोक सभा का सवाल है, उसके लिए उम्र की सीमा पहले से निश्चित है। अगर उस उम्र के लोग और उससे ऊपर की उम्र के लोग आएंगे तो ज्यादा परिपक्वता से अपने विचार प्रस्तुत कर सकेंगे। जहाँ तक अपराधी के सम्बन्ध में उम्र की सीमा निर्धारित है,

"> वह अपनी जगह पर ठीक है। यह कोई आवश्यक नहीं कि इस नाते विभिन्न क्षेत्रों में सीमा निर्धारण की एकरूपता हो जाये लेकिन यह समीचीन नहीं है।

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">सभापति महोदय, मैं यह कहना चाहता हूँ कि यदि ऐसी कोई बात न्याय मंत्री जी के दिमाग में आये तो उस विषय को इस सदन में चर्चा के लिये प्रस्तुत किया जाये। फिलहाल उन्होंने जो संशोधन विधेयक रखा है, वह बहुत ही न्यायोचित है और समीचीन है। मैं पुरजोर इस विधेयक का समर्थन करता हूँ।

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SHRI RAMESH CHENNITHALA (MAVELIKARA): Sir, the Bill before us has got a very limited scope, that is the age be reduced to 18 years. At this juncture, I would wish the hon. Members to have a look at the marriage system in our country. The money that we spend on marriages, is a criminal waste. The society and the Government should ponder over it. The time has come to seriously think about it.

">An Hon. MEMBER: How is it connected to the Bill?

">SHRI RAMESH CHENNITHALA : The Member is saying, it is not connected with this Bill.... (Interruptions) We have to put an end to the pomp and show which is expected in the marriages today. This has become a social evil. If a person does not have money and so he cannot spend money on marriage, his social prestige is affected. The Government should seriously consider this aspect. This has affected a number of families and the criminal waste of money is very much there. I support the Bill and hope that it will be of great help to us. Shri Banatwalla has suggested certain important measures. I support them.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): I am very grateful to all the hon. Members who have made valuable suggestions. First of all, I must say that we are in the process of relieving our statute book of all the dead wood. They are right that a Committee has been appointed and it has given its Report also to repeal more than thousand of laws from our statute book. We cannot just enbloc accept the Report of the Committee and proceed to repeal thousand laws. They may create complications. Each law has to be studied again. Its implications have to be studied. Every week, we are putting in smaller repealing Bills. Four or five Acts are repealed almost every month. I assure my friends, that process will continue.

">There was a suggestion for reducing the age to 16. Any suggestion which comes from any hon. Member is entitled to great respect and it will be seriously considered but when Shri Banatwalla and Shri Radhakrishnan combine the considerations they become imperative.

">SHRI G.M. BANATWALLA (PONNANI): If you also combine, it will become more effective.

">SHRI RAM JETHMALANI: We will seriously consider it. This law is only intended to remove a historical anomaly. This is not an amending or a consolidating law. We will certainly consider it and probably some day, we will bring a proper measure before the House.

">As regards, why should there be a law of 1875, I am in principle against that kind of an argument. You can also argue that why should there be a Member who is 76 years old?

">There are some laws which should retain their historical antecedents and their historical dates. For example, take our great Indian Penal Code of 1861. Now you do not expect me to bring a Bill in the year 2000 to repeal the whole Indian Penal Code.

">Sir, my friends" anxiety about the children"s courts and others is totally misplaced. The same law will continue to apply because we are reducing the age from 21 years to 18 years in the case of an infinitesimal minority of people who probably do not exist today. Today, the law relating to guardianship is so practised that the test is not so much of the minority, but the ability of the child to make intelligent preference. Sir, I have to learn things from my own grandchildren who are 13 and 14 years of age. They think that I am not educated enough. That is the anomaly which is being possibly removed now.

Sir, the Bill is totally prospective. No vested right of any shall stand affected and this debate can always be quoted in the courts.

So, I would request that we may pass this Bill.

MR. CHAIRMAN : The question is:

"That the Bill further to amend the Indian Majority Act, 1875, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Clause 2, 4 and 1

MR. CHAIRMAN: The House shall now take up clause-by-clause consideration.

The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

MR. CHAIRMAN: The question is

"That Clause 1, the Enacting

formula and long title stand

part of the Bill"

The motion was adopted

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAM JETHMALANI: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MR. CHAIRMAN: Now, the House will take up Item No.15. Shri Ram Jethmalani.