

SHIPPING (SHRI RAGHU RAMAIAH) : 12.21 hrs.

I beg to move for leave to introduce a Bill further to amend the Delhi Motor Vehicles Taxation Act, 1962.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Delhi Motor Vehicles Taxation Act, 1962."

The motion was adopted.

SHRI RAGHU RAMAIAH : I introduce the Bill.

12.19½ hrs.

REGISTRATION OF BIRTHS AND DEATHS BILL—Contd.

Duty of certain persons to notify birth and deaths and to certify cause of death.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : On behalf of Shri Y. B. Chavan, I beg to move :

"That the debate on the Bill to provide for the regulation of registration of births and deaths and for matters connected therewith, as passed by Rajya Sabha, which was adjourned on the 14th November, 1968, be resumed now."

When the Bill was being considered on the 14th November last, some hon. Members objected to the word "sweeper" mentioned in sub-clause (1) of clause 10.

It was said that this word denoted a particular community and that we should not impose a statutory obligation upon this community. In the Hindi translation of the Bill the word "sweeper" was translated as "Bhangi" and Bhangi is notified as a Scheduled Caste.

[MR. DEPUTY-SPEAKER *in the Chair*].

In deference to the feelings expressed by hon. Members we have now come out with an amendment, amendment No. 8, dropping the word "sweeper" from the Bill.

SHRI SEZHIYAN (Kumbakonam) : For the word "sweeper" what word have you put in ?

SHRI K. S. RAMASWAMY : We are completely omitting sub-sub-clause (ii) of sub-clause (1) of clause 10. That was the main objection with regard to clause 10 of Bill. As we his are now taking away that word, I hope, hon. Members will agree to the other portions of the Bill. I, therefore, request that consideration of the Bill be resumed.

MR. DEPUTY-SPEAKER : Motion moved :

"That the debate on the Bill to provide for the regulation of registration of births and deaths and for matters connected therewith, as passed by Rajya Sabha, which was adjourned on the 14th November, 1968, be resumed now."

DR. RANEN SEN (Barasat) : Sir, I want to draw your attention to certain facts in regard to this Bill. It is not a fact that earlier, when this Bill was being discussed, certain Members only objected to the use of the word "sweeper" in the Bill. If I remember correctly—and the other Members here will bear me out—most of the Members had raised many very important points pertaining to this Bill and the hon. Minister got the discussion adjourned saying that Government would go into the details of the thing and bring forward adequate amendments to improve the Bill. Members were in favour of such a Bill as a positive thing ; only, certain lacunae were pointed out. Now, we see that he has accepted only one amendment which he has placed before the House. The Government has not paid any attention to so

many other important points raised by Members. So, are we to start discussing a new pointing out the defects and all that? In the Order Paper it is said that only the amendments will be discussed. I do not know what is the position and why Government has behaved in this peculiar way.

MR. DEPUTY-SPEAKER : At the moment there is the motion for the resumption of the debate on the Bill. When the debate on the Bill starts, you are free to cover the ground which was not covered on the last occasion. Only the clauses that were not taken up then will be open to debate. When we resume the debate, we will resume it from the point at which it was closed. Now, I will put the motion for resumption of the debate to the vote of the House. The question is :

"That the debate on the Bill to provide for the regulation of registration of births and deaths and for matters connected therewith, as passed by Rajya Sabha, which was adjourned the 14th November, 1968, be resumed now."

The motion was adopted.

MR. DEPUTY-SPEAKER : So we resume the debate on the Bill.

SHRI LOBO PRABHU (Udipi) : The amendment is only to clause 10. What about earlier amendments which were also the subject of objection to the Bill on which adjournment was sought?

MR. DEPUTY-SPEAKER : Whatever the House had approved, the clauses of the Bill, the portion of the Bill stands. Now, we are resuming it from the point we adjourned it.

श्री जार्ज फरेन्सबोर्ज (बम्बई-दक्षिण) :
उपाध्यक्ष महोदय, मंत्री महोदय ने अभी कहा कि वह स्त्रीपर आदि हटाने के बारे में संशोधन पेश कर रहे हैं, लेकिन चूंकि वह बाँटा नहीं गया है इसलिए उनको हम देख नहीं सके हैं।

SHRI K. S. RAMASWAMY : It has been circulated.

श्री श्रीम प्रकाश त्यागी (मुरादाबाद) :
अभी सकुलेट नहीं हुए।

MR. DEPUTY-SPEAKER : If you see the amendment that was circulated then, it was, "omit lines 8 and 9". That was already moved. Now the Government is seeking the permission of the House to move an amendment to "omit lines 8 and 9". This is the position.

DR. RANEN SEN : Sir, in the last session, some of us had moved certain amendments and the discussion on the Bill was adjourned. It is expected that those amendments stand. On clause 10, I have a few amendments. I may move them.

MR. DEPUTY-SPEAKER : You will have to give fresh notice.

DR. RANEN SEN : The discussion on the Bill was adjourned. So, we need not give fresh notice.

MR. DEPUTY-SPEAKER : Those who had moved some amendments then, if they want those amendments to be revived, should give a formal notice of them to the Table Office and I will admit them. Let the debate continue in the meantime.

SHRI E.K. NAYANAR : I also want to move amendments.

MR. DEPUTY-SPEAKER : Whatever amendments you want to move, you give fresh notice because the old amendments lapsed and if you want to revive them, you give fresh notice.

SHRI TENNETI VISWANATHAM :
When the discussion on the Bill was adjourned, it was adjourned together with the amendments which were given notice of. What was it that was adjourned? It was the discussion on the Bill and the amendments that was adjourned. What is the use of asking us to give fresh notice? Was it a case where on account of the several objections raised the Government wanted to withdraw the Bill or pass over the next item with a view to introduce another Bill? In that case, we will give fresh notice of our amendments. Otherwise, if the debate on the old Bill continues, we need not give fresh notice of our amendments.

MR. DEPUTY-SPEAKER : As the hon. Member is perhaps aware, on prorogation of

the session, all the old notices lapse. Those who had moved amendments then may give fresh notice of the amendments they want to move. I will admit them. A formal notice needs to be given to the Table Office of reviving the old amendments.

Now let us resume the debate. About moving fresh amendments, if they give adequate notice, they would be admissible.

SHRI LOBO PRABHU : Should I begin with this amendment or with my amendment on Clause 10...

MR. DEPUTY-SPEAKER : We were on Clause 10...

SHRI LOBO PRABHU : I would like to repeat...

MR. DEPUTY-SPEAKER : Let the government amendments be moved first. The hon. Minister may make it clear as to what he wants to omit.

SHRI SEZHIYAN (Kumbakonam) : What is the position ? Are you going clause by clause ?

MR. DEPUTY-SPEAKER : We were on Clause 10 when a serious objection was taken to the word 'Sweeper'. So, when we resume the debate now, we begin from Clause 10. There are some amendments to be moved...

श्री जाजं फरनेडीज : अभी आपने बताया है कि दो वाक्यों को हटाने के लिये मंत्री महोदय एमेंडमेंट पेश करना चाहते हैं। इस प्रायश का संशोधन पिछले सत्र में पेश किया जा चुका है। जब वे एमेंडमेंट्स जब बिल यहाँ आया था पेश किये जा चुके हैं तो वे हाउस की प्रापर्टी बन गए हैं। ऐसी अवस्था में क्या मंत्री महोदय को नए सिरे से एमेंडमेंट्स पेश करने की अनुमति दी जानी चाहिये ? उसी एमेंडमेंट पर आप बहस चला सकते हैं।

MR. DEPUTY-SPEAKER : The amendments lapsed because of prorogation. Government is now coming forward with a similar amendments, if I have understood the position correctly.

श्री जाजं फरनेडीज : कैसे लैप्स हो सकती है ? उसके पहले का काम कहां लैप्स हुआ है ?

MR. DEPUTY-SPEAKER : There was some confusion. The position is this, One amendment was then moved, namely, omit lines 8 and 9' and it was before the House. Once it is moved, it forms part of the proceedings. Now there are two new government amendments and I am permitting the Minister to move them.

MR. K. S. RAMASWAMY : My amendment No. 8 omitted the word 'Sweeper', I now move amendments, No. 9 and No. 10, which are only consequential amendments in relation to amendment No. 8.

I beg to move :

Page 6, line 10,—

for "(iii)" substitute "(ii)" (9)

Page 6, line 13,—

for "(iv)" substitute "(iii)" (10)

MR. DEPUTY-SPEAKER : I would request the hon. Minister to read the Clause as amended, so that the members will understand it.

MR. K. S. RAMASWAMY : If my amendment No. 8 to Clause 10 is accepted, (ii) of sub-clause (1) will be omitted. Therefore, my amendments No. 9 and No. 10 are only consequential. (iii) will be numbered as (ii) and (iv) will be numbered as (iii).

SHRI DEORAO PATIL (Yeotmal) : I have my amendment to Clause 10...

MR. DEPUTY-SPEAKER : I will permit you to move that. Mr. Lobo Prabhu.

SHRI LOBO PRABHU : The aim of a good legislation is to compact and precise. The legislation should not be repetitive or redundant. Apart from what has already been conceded by Government, my amendment relates to the old sub-clause (iv) which gives government blanket power to specify any person as liable to report births and deaths.

In fact, if the Government are so disposed and they notify, than the very concessions that they have made in respect of the Sweepers would be nullified, because they

can be notified and can be included for reports. It is, therefore, very necessary to be very precise about sub-clause (1) (iv) and to see that it does not repeat clause 8 which is very exhaustive and it does not give blanket power to include any person and even those whom they have excluded. So, my amendment is to this effect that at page 6 in line 15, clause 10, after the word 'both' the following words may be inserted namely 'not already notified under clause 8'. Clause 8 is exhaustive. Even if for instance the owner of a place set apart for disposal of dead bodies is not included or if the midwife is not specified there, there is a provision that in any other place such person as may be prescribed may be included. Why repeat the same thing in clause 10? Clause 8 is complete by itself. That clause gives blanket powers to Government to include any person and any place. So, what is the Justification for clause 10, and particularly for sub-clause 1 (iv) which gives Government again a blanket power? I want the hon. Minister to reply to this point.

SHRI DEORAO S. PATIL : I beg to move : Page 6, —

Omit lines 8 to 12 (11)

उपाध्यक्ष महोदय, यह बहुत महत्वपूर्ण विधेयक है। इसका सम्बन्ध भारत में रहने वाले सब आदमी से है। इसी वास्ते इस पर जब चर्चा हुई तब ही यह कह दिया गया था कि इसमें कई संशोधन करने की आवश्यकता है और उन पर गवर्नमेंट को विचार करना चाहिये।

क्लाज दस में जन्म तथा मृत्यु के कारण बताने की जिम्मेदारी कुछ लोगों पर डाली गई है। इसके बारे में जो हमारी आपत्ति थी, जो हमारा आबजैकशन था उसको हमने आपके सामने रखा था। हमारा आबजैकशन पूरे क्लाइज के लिए था। आप इस क्लाइज के हैडिंग को पढ़ें। इस में लिखा गया है :

"Duty of certain persons to notify births and deaths and to certify cause of death"

इस में हेल्थ एटेंडेंट को भी इस काम के लिए जिम्मेदार ठहराया गया है। किसी की मृत्यु

किस कारण से हो गई है वह कारण बताने की जिम्मेदारी भी हेल्थ एटेंडेंट पर डाली गई है। हमारा आबजैकशन यह था कि अगर हेल्थ एटेंडेंट पर यह जिम्मेदारी डाली गई तो उसका नतीजा बहुत खराब होगा। इसी तरह से मिडवाइफ और हेल्थ एटेंडेंट के बारे में हमने कहा था, स्त्रीपर के बारे में कहा था, भंगी के बारे में कहा था। आप देखें कि भंगी म्यूनिसिपैलिटी में ग्राम पंचायत, पंचायत समिति में सफाई करने का काम करता है और इस पर यह जिम्मेदारी डाली गई है। इस वास्ते यह जो आबजैकशन हमारा था। यह पूरी क्लाइज के बारे में था। मुझे खुशी है कि मंत्री महोदय ने भंगी के बारे में संशोधन हमारे सामने रखा है। लेकिन आप देखें कि जो हेल्थ एटेंडेंट और ग्रोनर आफ ए प्लेस है उसकी क्वालीफिकेशन क्या रहती है, वह कितना पढ़ा लिखा होता है। चौकीदार सरीखे लोगों पर आपने इस जिम्मेदारी को डाल दिया है।

मैं प्रार्थना करता हूँ कि आप इस पूरे क्लाइज पर गौर करें। मंत्री महोदय के एमेंडमेंट से ज्यादा मेरे एमेंडमेंट जो हेतु है वह पूर्ण होता है। इसलिए मैं चाहता हूँ कि मंत्री महोदय हेल्थ एटेंडेंट, कीपर ग्रदवा ग्रोनर आफ ए प्लेस जैसे जो लोग हैं, इसके बारे में भी अपने उत्तर में प्रकाश डालने की कृपा करें।

DR. RANEN SEN : My amendment is more or less similar to the amendment moved by my hon. friend. I want to omit lines 19 to 22 at Page 6. Clause 10 (2) reads thus :

"In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed."

As far as I have understood, among the persons responsible for intimating to Government or to the Registrar of Births and Deaths is included the keeper or owner of a place set apart for the disposal of dead bodies. I

[Dr. Ranen Sen]

fail to understand how the keeper or owner of a place set apart for disposal of dead bodies can say what they cause of the death is. One can understand a medical man saying it. A medical man could say or a midwife can say in a restricted way what the cause of the death is. But how can the keeper or owner of a place set apart for the disposal of dead bodies say what the cause of death is? Therefore, in my amendment, I have sought to delete lines 19 to 22 at page 6, so that persons who have not the capacity or the qualifications to determine the cause of death are not put to unnecessary harassment. Secondly, if such a broad clause as this is accepted, then it would create a lot of harassment for the common people in that area. Therefore, I move for the deletion of those lines.

I beg to move :

Page 6,—

Omit lines 19 to 22. (16)

Page 6. —

after line 33, insert —

“Provided that in all cases the informant shall be paid conveyance expenses by the Registrar concerned if the informant spent anything on conveyance to give the information”. (17)

SHRI TENNETI VISWANATHAM : In addition to what hon. friend has said, I would like to say that in most cases, the cause of death can be gone into only in *post mortem*. It is not always easy to say why a particular person died. So to require such a certificate from the persons of the type described is somewhat exacting. It will be wrong, and, therefore, it is much better that the reference to these health attendants and chowkidars etc. be entirely removed. It is only a doctor who could perhaps certify as to the cause of death; but even the doctor cannot certify correctly in certain cases. Recently, we had a case where the All Indian Radio had announced that a particular dignitary had died, but he continued to live for two more days and he died, only after two days. Therefore, to cast such a very heavy burden upon a small health attendant is not good. Therefore, I would request the hon. Minister to consider this carefully before he puts it on the statute-book.

SHRI E. K. NAYANAR : Before I come to clause 10 proper, I would like to say that in the case of births and deaths in a plantation. The superintendent of the plantation, shall give or cause to be given to the registrar the information. This clause virtually makes the superintendent of the plantation a sub-registrar. I am shocked to find that the special status of the plantation is still maintained even today, I strongly suggest that this clause should be dropped and no special status should be given to the plantation in this regard. So, that particular provision should be altered.

On clause 10, I would suggest that sub-clause (3), a clause should be added about starvation deaths. Even during the British period, there was no provision for recording starvation deaths, and they same provision is being continued even today. According to the official statistics, no single person has died since Independence due to starvation. All starvation deaths are recorded as having been due to some disease. Therefore, I submit that a new clause should be added after sub-clause (3) in clause 10.

श्री श्रीम प्रकाश त्यागी : उपाध्यक्ष महोदय, इस क्लॉज का उद्देश्य यह है कि गवर्नमेंट ने यहाँ प्रत्येक जन्म और मरण का रजिस्ट्रेशन किया जाये और इसकी जिम्मेदारी मिडवाइफ़ और मेडिकल या हेल्थ एटेंडेंट आदि पर डाली गई है। लेकिन हमारे देश में अक्सर ऐसे गांव हैं, जहाँ कोई मिडवाइफ़ या मेडिकल एटेंडेंट आदि नहीं हैं। यह भी जरूरी नहीं है कि सब घर वाले जाकर जन्म और मरण का रजिस्ट्रेशन करावेंगे। मैं सरकार का ध्यान इस बात की ओर दिलाना चाहता हूँ कि समस्त भारतवर्ष में हर एक जन्म और मृत्यु के समय एक व्यक्ति निश्चित रूप से रहता है, चाहे वह परिवार हिन्दू हो, मुसलमान हो या ईसाई हो, और वह व्यक्ति है पुरोहित, मौलवी या पादरी। जन्म के समय वच्चे को आशीर्वाद देने के लिए और मृत्यु के समय आवश्यक धार्मिक संस्कार करने के लिए किसी रिलिजस प्रोस्ट की उपस्थिति अनिवार्य रूप से होती है। मेरी समझ में नहीं आता है कि अगर सरकार यह चाहती है कि जन्म और मृत्यु का पंजीकरण अनिवार्य रूप से

हो, तो उसने मिडवाइफ और डाक्टर आदि के साथ साथ रिलीजस प्रीस्ट को भी यह काम क्यों नहीं सौंपा है। मैं सरकार को धन्यवाद देता हूँ कि उस ने इस सम्बन्ध में स्वीपर सम्बन्धी व्यवस्था को हटा दिया है। इस बिल में किसी एक जाति-विशेष पर यह जिम्मेदारी डालना एक बहुत अनुचित कार्य होता।

मैं ने यह संशोधन रखा है कि जो रिलीजस प्रीस्ट जन्म और मृत्यु के समय धार्मिक संस्कार करते हैं, उन पर भी जन्म और मृत्यु की सूचना देने की जिम्मेदारी डाली जाये। इस संशोधन को स्वीकार करने में यह बिल सार्थक हो जायेगा और सरकार के उद्देश्य की पूर्ति भी हो जायेगी। अन्यथा इस बिल में एक बड़ा दोष रह जायेगा। आशा है कि मंत्री महोदय मेरे इस संशोधन को स्वीकार करेंगे। पता नहीं किसी स्थान पर मिडवाइफ या डाक्टर हो या न हो अथवा घर वाले जन्म या मृत्यु की सूचना दें या न दें। परन्तु रिलीजस प्रीस्ट के जन्म और मृत्यु के समय अनिवार्य रूप से उपस्थित रहने के कारण उन का रजिस्ट्रेशन अवश्य हो जायेगा।

I beg to move :

Page 6,

after line 7, insert —

“(a) religious priests who perform the religious duties at birth and death.” (15)

SHRI K. S. RAMASWAMY : Clause 8 imposes a statutory responsibility on some persons to report birth and death. Under clause 10 persons who have knowledge about birth and death are required to report the matter to the concerned authorities. There may be cases when a person dies and he has no other members of the family to report the matter to the authorities concerned. Such a person may die in a hospital. There is nothing wrong if the medical officer or the attendant is required to give information. In such cases only they are required to give information. In cases where there is duplication, the registering authority will tally and verify the information. This is meant only to help have a counter check on information given.

It is true that the cause of death cannot be ascertained by certain people. It is not that everybody who informs the registering authority about death should report the cause also. Clause 2 is a different clause. Where the State Government thinks that facilities are available to get information about the cause of death, it is insisted upon in such cases and only on such persons who know about it that they should also give the cause of death in such form as may be prescribed in the rules. It is not that in every case, any person who reports the death of a person should also give the cause of death. It will not be a harassment to anybody. It is not possible to include purohits, maulvis and padrees in this category, as suggested by my hon. friend. I think I have answered all the points.

MR. DEPUTY SPEAKER : All the amendments were revived and fresh notices were given; they were not there before. It is not very clear whether they had all been circulated. Therefore, it is not possible to put them to vote now. So, I shall put the clauses and amendments to vote on the next occasion.

12.55 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at three minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

MOTION OF NO-CONFIDENCE IN THE COUNCIL OF MINISTERS

SHRI P. RAMAMURTI (Madurai) : Mr. Deputy Speaker, Sir, I beg to move :

“That this House expresses its want of confidence in the Council of Ministers.”

It is sometimes stated that this motion of no-confidence has become a sort of ritual in this House for every session. But you will find that the motion that I am moving is not that general omnibus resolution in which one can bring in anything. I have confined this motion to three specific events. I would like the House to decide whether these three important things that I have mentioned are just ordinary things or such serious things which are calamitous, if allowed to continue, for the entire country, for the unity of the country and for the demo-