

15.06 HRS.

## REGISTRATION OF BIRTHS AND DEATHS BILL

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : Sir, I beg to move :

"That the Bill to provide for the regulation of registration of births and deaths and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

Sir, the need for improvement in vital statistics has engaged the attention of Government for more than two decades. As early as 1939, the Central Advisory Board of Health went into this question. Afterwards, in 1945, the Health Survey and Development Committee, commonly known as the Bore Committee, discussed this problem and made a number of very important recommendations. It was the first body to make the first important official survey of what it called the population problem. This was followed by a report of the Vital Statistics Committee of the Second Health Ministers Conference in August, 1948. The committee submitted its report in March, 1949. They recommended the setting up of a district vital statistics organisation, compilation of vital statistics in the various States and formulated a plan for the improvement of vital statistics in areas which did not enjoy improved health services. The Central Expert Committee of the Indian Council of Medical Research on Small-Pox and Cholera in 1959 reiterated the deficiencies in the Indian vital statistics system. All these reports have unanimously suggested the passing of a central law for registration of births and deaths.

Although registration of births and deaths has legally obtained in most parts of the country for a long time, it is not satisfactory enough. After 1921, vital statistics have not been kept regularly. It is not up to the mark, as is quite clear from the census reports. Vital statistics are very much important for our health programme, national planning, social and economic reforms and also welfare activities. The inter-relationships of vital statistics with economic and social factors form the basis for demographic research.

Evidence of age is needed for various civic purposes, entry into school and services, old age pensions, etc. And also an authentic death certificate is required for various succession issues and insurance claims. Some States like Madras and West Bengal have the machinery for noting down births and deaths. A few other States have followed the same pattern, while others have only enabling provisions in this behalf in the Municipal Act, Panchayat Act, Chowkidar Manual or Land Revenue Manual. As complete registration of vital statistics of births and deaths was very important in planning for the economic and social welfare of our people, we felt the necessity for bringing in a uniform legislation on an all-India basis in this regard in order to have a comparable and uniform system. We introduced this Bill in the Rajya Sabha in 1964 and it was passed by the Rajya Sabha with some amendments. The Lok Sabha could not consider this due to want of time and also the Lok Sabha was dissolved later. This Bill was re-introduced in the Rajya Sabha in 1967 and was passed again by the Rajya Sabha with certain amendments. Now I have introduced this Bill here. I request the hon. Members to consider this very important Bill and give their whole-hearted support to this.

MR. SPEAKER : Motion moved :

"That the Bill to provide for the regulation of registration of births and deaths and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

श्री श्रीठा लाल भीना (सवाई मधोपुर) : अध्यक्ष महोदय, जो विधेयक जन्म तथा मृत्यु के रजिस्ट्रीकरण के लिये रक्खा गया है उस से मैं असहमत नहीं हूँ, लेकिन जिस रूप में वह रक्खा गया है उसमें जो मंशा बिल को लाने का था उस के पूरे होने में थोड़ा सन्देह मालूम होता है। इस बिल को देखने से ऐसा मालूम पड़ता है कि गांवों के रहने वालों के साथ थोड़ा अन्याय किया जा रहा है। आज के जमाने में संचार व्यवस्था इस ढंग की हो गई है कि कोई भी सूचना कहीं से भी शीघ्र किसी रजिस्ट्रीकरण आफिस में पहुंचाई जा सकती है। इस में यह रक्खा गया है कि जब

बच्चा पैदा होता है या किसी आदमी की मृत्यु होती है तो उस की सूचना शीघ्र इस आफिस को दी जाये। हमारे देश में प्रायः ऐसा होता है कि जन्म होते ही दस पांच रोज तक खुशियां मनाई जाती हैं। इस वास्ते जल्दी सूचना नहीं दी जा सकती।

दूसरी जो सब से गम्भीर समस्या है वह यह है कि बालपन में बच्चे का नाम कुछ और होता है और जब स्कूल में उस को भरती कराया जाता है तब कुछ और होता है। मंत्री महोदय इस बिल में यह कहते हैं कि उम का नाम उसी समय रख दिया जाये। यह बड़ा मुश्किल होगा कि बच्चे का नाम तत्काल रख कर उस का रजिस्ट्रेशन कराया जाये। मेरा निवेदन यह है कि बच्चा पैदा होने के बाद कम से कम पांच या छः साल की मियाद होनी चाहिए इस काम के लिये और उस में यह भी संशोधन होना चाहिये कि बाद में बच्चे का नाम बदला जा सकेगा।

इस के अलावा किसी भी आदमी की मृत्यु के समय उस की सूचना उस के घर वालों के लिये देना जरूरी होगा। किसी भी आदमी के घर में जब किसी जवान की मीत हो जानी है तब उस के घर वालों को इतना दुःख होता है कि उन के मन में कोई और बात आती ही नहीं। मेरा निवेदन है कि मृत व्यक्ति के सम्बन्धियों के ऊपर इस की जिम्मेदारी न डारी जाय, बल्कि जिस डाक्टर या वैद्य न आखीर में उस का इलाज किया है उस का फर्ज हो कि वह मृत्यु की सूचना दे या इस प्रकार की सूचना डाक्टर या वैद्यों द्वारा रजिस्ट्रेशन आफिस में दिये जाने के बजाय कोई छपा हुआ फार्म होना चाहिये जो कि ग्राम पंचायत के सेक्रेट्री या सदस्य के यहां निश्चित स्थान पर रक्खा जाये, और वह फार्म साधारण से साधारण आदमी भर कर रजिस्ट्रेशन आफिस में भेज सके। इस को पोस्टल सर्तिफिकेट के साथ भेजा जाना चाहिये, लेकिन पोस्टल सर्तिफिकेट के सम्बन्ध में यह

जरूर होना चाहिये कि उस का पेमेंट रजिस्ट्रीकरण का आफिस करे। यह सूचना बैरंग भेजी जाय और रजिस्ट्रेशन आफिस पेमेंट करे, जिम से लोगों को दिक्कत न हो और दफ्तर में यह सूचना निश्चित रूप से पहुंच सके।

मृत्यु के कारण बतलाने में इस बिल में यह भी रक्खा गया है कि किसी आदमी की मृत्यु के समय डाक्टर देर न नुगये। अगर कोई डाक्टर कहता है कि मुझे इस समय फुसंत नहीं है या इस काम के लिये मना करता है तो उम पर 50 रु० के जुर्माने का प्राविधान है। लेकिन किसी के लिये भी यह साबित करना मुश्किल होगा कि डाक्टर ने मना किया है। कौन आदमी उस डाक्टर के खिलाफ शहादत देगा कि उस ने मना किया है? गांव का आदमी तो कभी भी गवाही नहीं देगा।

15.16 HRS.

[MR. DEPUTY-SPEAKER in the Chair].

डाक्टर का ही फर्ज होना चाहिये कि वह इस तरह की रिपोर्ट दे।

इस में सब से बुरी और अत्यन्त लज्जाजनक बात यह रक्खी गई है कि पढ़े लिखे और कानून के जानकार सरकारी कर्मचारियों के गलती करने पर जुर्माना रक्खा गया है 25 रु० और जो गांव के भोले भाले किसान हैं, जो अनपढ़ हैं और भारतीयता के सच्चे स्वरूप हैं, उन के गलती करने पर जुर्माना रक्खा गया है 50 रु०। क्या यही किसानों की उन्नति करने का तरीका है? इस लिये मेरा निवेदन है कि जो कर्मचारी हैं उन के ऊपर 50 रु० और अन्य लोगों पर 50 रु० के बजाय 25 रु० या इससे भी कम जुर्माना होना चाहिये।

इस के अलावा जो देर में सूचना देता है उस के ऊपर भी जुर्माने का प्राविधान है। अधिक देर होने पर जुर्माने के साथ शपथपत्र का भी प्राविधान है। इस में जुर्माना न

[ श्री श्रीठा लाल मीना ]

हो कर यही पर्याप्त है कि वह केवल शपथ पत्र दे, विधेयक में है कि जुर्माना भी दे और शपथ-पत्र भी कोर्ट में दे। लेकिन गांव वालों के शपथ-पत्र देने के समय लिखने लिखाने में ही तथा कोर्ट स्टाम्प लगाने में ही दस पांच रुपये खर्च हो जायेंगे। फिर उस पर जुर्माना करने पर और जुर्माना इकट्ठी करने के लिये अलग आफिस भी रखना होगा जिस से सरकारी खर्चा बढ़ जावेगा। इस लिये मेरा कहना यह है कि जो आदमी देर से सूचना दे उस पर जुर्माना न हो कर केवल शपथ-पत्र होना ही पर्याप्त है।

अन्त में मैं कहना चाहता हूँ कि मान लीजिये किसी किसान की मृत्यु हो जाती है। उस की जवान पत्नी है, दो तीन छोटे-छोटे बच्चे हैं। ऐसी स्थिति में मृत्यु की सूचना देने कौन जायेगा। बच्चों के लिये सूचना देना सम्भव नहीं है और पत्नी दुःख के कारण सूचना देने की स्थिति में नहीं है। ऐसी स्थिति में सरपंच, ग्राम पंचायत के सेक्रेट्री या ग्राम पंचायत के सदस्यों, पटवारी अथवा अन्य लोगों के लिये जरूरी होना चाहिये कि वह सूचना दें। अतः मैं निवेदन करता हूँ कि इस विधेयक में यह संशोधन कर के इस को पाम किया जाय और इस को एक विस्तृत रूप दिया जाये कि किसी भी भारतवासी का जन्म कहां हुआ था, उस का नाम क्या है, उस के बाद वह कहां पढ़ा है, कहां उस की शादी हुई थी और कब हुई थी तथा उसका व्यवसाय क्या है, आदि।

**SHRI SRADHAKAR SUPAKAR (Sambalpur) :** India is a poor country and yet here both birth and death have been very expensive by the average Indian standards. Up till now it is our experience that when the chowkidar of a village has to report the birth or a death usually he has to be paid something. Now we are making a device by which these registrars and deputy registrars etc., high officials, are being appointed for registration. We are also providing that non-reporting or non-registration would be an offence.

This, I think, would increase the expenses of both birth and death, both of which, as you know, are involuntary. Nobody can help being born nor can one postpone death for an indefinite time.

Some of the provisions here, I think, are rather very difficult and harsh. For Example, clause 10, sub-clause (3), where it requires the production of a medical certificate, reads as follows :—

“Where the State Government has required under sub-section (2) that a certificate as to the cause of death shall be obtained, in the event of the death of any person who, during his last illness, was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forthwith, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.”

As it is, it is a most innocuous provision but in actual practice it will, I think, work very oppressively.

The last and the most important point which I want to make is that the main purpose of this Bill is to keep an accurate account of births and deaths in the country and in order to achieve that purpose it was necessary that a single source, that is to say, a single reporting authority, should have been provided. But what we find is that the person in a hospital who is attending to the delivery has to make a report, the head of the family has to make a report and even there is a provision that in the choultry etc. the sweeper in a municipality, panchayat or other local authority has to make a report according to sub-clause (ii) of sub-clause (1). So, several persons are authorised or permitted to make a report.

As you know, for a pretty long time after a birth no name is given to a child; the *namakaran* ceremony is usually postponed till the child attains a certain age. It is different in different places according

to the custom and sometimes not until the child is aged one year or even more it is named. Therefore, I do not think that it will conduce to the keeping of an accurate record unless we provide a single channel of registration.

Another thing, to which the previous speaker also made a reference, is about the second registration after the naming of a child. This also, I think, will entail additional expenditure so far as the guardian is concerned. You also provide that unless the report regarding the name is made within a prescribed period that will entail certain penalties.

I think, these things must be looked into having regard to the divergent customs in our country. The States are authorised under this Bill to keep in conformity with the provisions of this Bill. No State, I think, will be in a position to come to a certain definite standard by which uniformity can be achieved and an accurate record of births and deaths can be kept.

DR. RANEN SEN (Barasat) : Mr. Deputy Speaker, Sir, the hon. Minister stated the object of this Bill a little while ago. With regard to the object of the Bill there cannot be much objection. But some of the provisions contained in the Bill are objectionable because there is scope for a lot of harassment for the common people and which is likely to be resorted to by interested parties. Therefore, my main purpose is to point out certain of these objectionable provisions.

Firstly, in clause 2(1)(c), the foetal death has been included in this Bill. I do not understand what purpose is served by including this foetal death. Nearly 40 years back, when I was a student of medicine, as far as I remember, I learnt there were two types of 'foetal death', one as abortion and another as miscarriage. Now, this abortion or miscarriage may be quite natural or may be illegally done. If it is natural, how is it possible for anybody to notify it? There is a provision that if this death is not notified by any adult person belonging to that household, the nearest relative or the nearest neighbour has to notify it. Suppose a natural abortion takes place. Is it expected that the women-

folk who remain in the house should go and tell their neighbours that such and such a case of abortion or miscarriage has taken place so that it will enable the neighbour, an adult person, to run to the registration office and give the information? It is completely out of place to include this 'foetal death' in this Bill.

Secondly, in clause 14, it is stated :

"Where the birth of any child has been registered without a name...."

It is known to everybody that as soon as a child is born, the name is not given to the child. I do not understand why this sort of ridiculous things are embodied in the Bill.

Then, in clause 8(1)(a), line 39, it is stated :

"...the oldest adult male person present therein during the said period;"

I fail to understand why the oldest adult male person has to notify it. Any adult person can notify it.

SHRI HIMATSINGKA (Godda) : The responsibility is being placed on him.

DR. RANEN SEN : Why should the responsibility be placed on him? Suppose the oldest adult person may be an old man of 80 or 90 years. Why harass that old gentleman to rush to the registration office? What is the purpose? Any adult person can go and notify it. If you make a provision like that, if it becomes a part of the Act, as we all know, on these petty matters common people are harassed in our country. It is in everybody's knowledge. Whether Government wants it or not, the common people are harassed. I do not impute any motive to the Government. No Minister is interested to see that the common people are harassed. I admit that. But why keep loopholes? There is the scope for the common people to be harassed. Certain minute details have to be gone into because this is going to be enacted. No loopholes, as far as possible, should be there; all the loopholes should be plugged. I have no objection to this Bill. Registration of births and deaths is not scientifically done in our country. The birth registration in villages and also in towns is most

[DR. RANEN SEN].

ly done by eunuchs; they alone register the advent of the new ones. So, there should be a proper registration of births and deaths, but all the loopholes must be plugged.

Now I come to Chapter III, Clause 8, page 5, line 34, where explanation for the word 'plantation' has been given. Under the Plantation Act, a plantation is a plantation. I do not understand why this expression, 'plantation', has to be defined in this Bill as "any land not less than four hectares", etc. This is another point which has to be clarified. At least I could not understand why there should be this limitation to four hectares. Even if there is any plantation which may be less than four hectares, that should also be included.

Coming to Clause 10(1)(ii), here it is said, "it shall be the duty of the sweeper in a municipality, panchayat or other local authority..." etc. Why should 'Sweeper' be mentioned? Do we think that there will be any number of illegal abortions or miscarriages and those little ones would be thrown out in the streets, so that the Sweeper, while cleaning, will find those things and notify them to the nearest Registrar? If that is not so—I hope, it is not so—then it should be a little broader. If it is a municipality, naturally it should be a little broader. One has to think of the other agencies which could be included in it.

Again, there are certain provisions about those people who would act as informants, i.e., those who would go to the Registrar in the village or at the highest level and make these notifications. But there is no provision for grant of any conveyance allowance to those people who would, if required, spend money to go to the Registrar and notify it...

SHRI HIMATSINGKA : But there is penalty.

DR. RANEN SEN : Yes, Mr. Himatsingka is right. There is penalty for not doing that, but there is no remuneration or even conveyance allowance as bus fare or train fare, whatever it is. Even in the Bill it is not said that in every village it has to be done or it will be done. That is

just not possible in a country like India where lakhs of villages exist. Therefore, I think that there should be a provision for some remuneration or at least for the payment of transport charges that would be incurred by the informants in going to the Registrar to notify it.

Also I am afraid that this Bill does not contain any provision to guard against any harassment that may take place or is likely to take place on account of the provisions of this Act. There is the clause about delayed information. For example, Clause 13(1) speaks about late fee. This is not a registered letter or an ordinary letter so that if we are late by five minutes or so, we have to pay a late fee. This is a sort of a penal measure. We are dealing with the common, rural people. Thanks to the 20 years' rule of this Government, vast number of our people remain still illiterate even today. Therefore, this penal measure will lead to not only penalty, but also it will lead to corruption, leading to the harassment of the common people, and this is a serious matter. Then again, clause 13, sub-section (2) says 'if it is delayed over 30 days' and so on. Then it becomes a very cumbersome machinery and I would submit, this subject of registration of births and deaths should be done through some simple machinery. Because, it has to deal with not the urban folk, but the common rural folk. I know in the big towns there is a system of birth registration and death also in cemeteries and samsans. There is arrangement for medical certificate and all that. Here it is meant mainly for the rural people. These measures should be sufficiently relaxed. In my amendments which unfortunately have not been circulated yet, I have suggested certain things and made certain amendments. Therefore, when those amendments are circulated, I will be able to make some little suggestions here and there.

Then, in page 10, sub-section (2) of section 23, certain penalties are given. There they mention that there would be payment of such late fee as may be prescribed and all that. Clause 23, sub-clauses (4) and (5) and Clause 24 are a sort of penal measures, and one can readily understand that if a medical practitioner or

if a qualified nurse fails to notify in proper time he or she should be penalised. There I quite agree. Because they have the responsibility not only as citizens of our country but according to the ethics of the medical profession they have to notify. This is their duty, whether this Act exists or not. But here, it is a case of the medical practitioners. And, if the medical practitioner refuses to deliver such a certificate he shall be punishable with a fine which might extend to Rs. 50 and if it is any other person, just a common peasant of the village, the fine which may extend to Rs. 10. Why should we start an Act with such fines? Why should we start with such penalties? Our idea should be to popularise this idea, this sense among the common people of the country, in our various villages and towns. We can only come in and punish only in case of recalcitrant people, who are trying to hide some crime. In that case only penal measures should be adopted but for such crime and for such criminals there are other laws.

There are any number of laws in this country, such as the IPC, the Cr. R. C. etc. under which such crimes can be adequately dealt with. Therefore, I feel that this kind of penal measure should be given a second thought before being enacted.

As I was saying, clause 24 leaves enough scope for breeding or spreading corruption. It reads thus :

... the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

(2) On the payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

I have not been able to understand the meaning of this particular clause. I think that this particular provision will open the door for corruption.

Therefore, I would say that the changes indicated by me and by my other hon.

friends who had spoken on this Bill earlier should be taken note of so that the Bill could be improved, and then a comprehensive Bill should be passed here so that the idea will be to popularise the concept of registration of births and deaths throughout the country among the millions of our people who are illiterate and who always fall a victim to harassment and corruption.

SHRI D. C. SHARMA (Gurdaspur) : I have been in this House for a pretty long time, and I have always welcomed the introduction of a Bill. But I believe that this is uncalled for, unjustified and unwarranted. This Bill is absolutely divorced from the realities of life in India. What for do we want registration of births? Do we want to have corruption in this country?

If we want to have compulsory military service, then I would welcome it. If we want to have rationing all over India then I would not mind blessing this Bill. But I believe that this Bill does not aim at any of those things, either at compulsory military service or anything else. This Bill only penalises those persons who have the bad fortune of producing children; thank God, I am not one of them. It also penalises those persons who have the ill fortune of dying.

Birth in this country is thought to be something divine, and death in this country is also thought to be something ordained by God. And here are these friends of mine in the Home Ministry trying to regulate the births and deaths in this country. I think that they cannot play the part of Supar-Providence in this country.

I feel that this Bill absolutely falls short of the intentions they have. The only reason for introducing this Bill is this. We are talking of population explosion in this country. But much greater than the population explosion in this country is the explosion of bureaucracy in this country. We are trying to have more and more of bureaucrats. Our bureaucracy is entering into every aspect of our life, every item of our life, every section of our life and every part of our life. There are ever so many bureaucratic controls and our Home Ministry has thought it fit to bring forward this

[SHRI D. C. SHARMA.]

Bill so that they can have an Army of more bureaucrats such as the Registrar-General, the Chief Registrar, the Registration Division, the District Registrar, the Registrar, the panchayat man, the local self-government man and so on. I do not know where we shall stop. I want to ask the hon. Minister the amount of money that is being spent in this country on our bureaucracy. I think it is out of all proportion to the gross national product of our country. It is much more than it should be, and here is a Bill brought forward which makes for the proliferation of that bureaucracy still further. Therefore, I oppose it on that ground also.

Another point. If this Bill is to be passed, it should go to a select committee. I know the Government will get it passed, but it should go to a select committee so that it can be made as palatable as possible. I have read through the Bill and I find it is meant for cities and towns more than for villages. The villages people are going to suffer on account of this Bill and not the townsmen and city dwellers. How are the village people to know what they are to do? How are they to inform the sweepers? The sweeper is also made a great functionary in this Bill. The local panchayat member has already great powers; he is going to be invested with greater powers under this Bill. Therefore, I think this Bill will hit the rural population very hard and it should be made as palatable to them as possible.

Look at the penalty. I think to give birth to a child in this country is itself a penalty. Here if you do not get that birth registered, you are asked to pay a fine of Rs. 50 after some time. You are asked to do this and that. If the medical officer does not do it, he is also to be subject to a penalty. I think this Bill is not going to further the cause of family planning, if the Home Ministry has that in view. If that was the object, I think this Bill should have come through the Ministry of Health and not through this Ministry.

Then this Bill is going to give powers to persons who do not know what power means and who are going to make, I should say, a very wrong use of those powers. That power is that they will try to scrutinise births and deaths in this country. They will

inspect, they will have periodical returns. I do not know in what kind of world we are living in this country; I do not know in what kind of world we are going to be supposed to live in this country where even our bedrooms are going to be searched, where the kitchen is going to be searched, where the streets, nallahs and mohallas are going to be searched to find out whether any birth or death has taken place. I think this Bill goes too far and it is utterly against the spirit for which free India stands.

My hon. friend, Dr. Ranen Sen, has already referred to foetal deaths. What are these foetal deaths? Anything can be a foetal death. If you say that you want to put down illegitimacy. I have no objection. If you want to abolish abortion. I would welcome it. But what is foetal death? Who will certify it? Who will be responsible for saying that it is foetal death and not a live birth or still birth? All kinds of technical terms are given in this Bill. I wonder if the Registrar himself will understand them, if the sweeper will understand them, if the panchayat member will understand them. I therefore think that this Bill carries connotations far above the head of millions of our citizens and which are going to affect every home in the country, every adult in this country. It is going to affect every mother, every husband in this country every child who is going to be born in this country. When I think of that I think that this is a very ill-conceived Bill, and it has been brought, I find, when there was no need for it. I think the only need is this that the Home Ministry wants to have another cell which will have all kinds of those bureaucrats who are making our country a wonderful place to live in.

Therefore, I oppose this Bill.

श्री बेणी शंकर शर्मा (वांका) : उपाध्यक्ष महोदय, मैं इस सत्र के इस प्रथम विधेयक का स्वागत करता हूँ। इस का उद्देश्य सराहनीय है। इस की आवश्यकता बहुत पहले से ही थी। मेरी दृष्टि में यह बिल प्रथम पार्लियामेंट के प्रथम सत्र में ही आना चाहिये था, क्योंकि अगर यह बिल उस समय आता तो आज जो हम गलत योजनाओं के शिकार हो रहे हैं, नहीं होते तथा हम ने आज सवेरे

जो दृश्य देखा, वह शायद देखने को नहीं मिलता। आज का दृश्य ऐसा था जो देश के हर एक नागरिक का मिर शर्म में नीचे झुकाने वाला है।

उपाध्यक्ष महोदय, इस बिल के प्रधान उद्देश्य के बारे में कहा गया है :

"The Central Government needs adequate and accurate country-wide registration data for purposes of national planning, organising public health and medical activities and developing family planning programmes."

यह काम बहुत पहले होना चाहिये था। फिर श्री देर "आयद दुरुस्त आयद", अब भी जो किया जा रहा है, वह कोई बुराई की वान नहीं है, लेकिन डम काम को बहुत ही सतर्कता के साथ, संजीदगी के साथ करना है, क्योंकि लोगों की सही आयु पर बहुत सी बातें निर्भर करती हैं। हमारे संविधान में 18 वर्ष की आयु के जितने लोग हैं, वे ही वोट दे सकते हैं, आज इस नियम से करीब-करीब 25-26 करोड़ लोग सम्बन्धित हैं और हम ने देखा है कि उम्र का कहीं ठीक लेखा-जोखा न होने के कारण बहुत से छोटे-छोटे बालकों के नाम भी हमारी बोट-रजिस्ट्रार में आये हैं। और भी कई तरह की गड़बड़ियाँ होती हैं। अभी हाल में कलकत्ता हाई कोर्ट के एक जज की आयु को लेकर एक बवंडर खड़ा हुआ था—जस्टिस जे० वी० मित्रा के मामले को लेकर वहाँ बहुत हंगामा हुआ था—मैं समझता हूँ आप उस केस को अवश्य जानते होंगे। इस लिये इस विधेयक की आवश्यकता पर दो मत नहीं हो सकते।

अब, उपाध्यक्ष महोदय, इस विधेयक में जो बातें कहीं गई हैं, उन की तरफ मैं आपका ध्यान आकर्षित करना चाहता हूँ। क्लॉज 1(3) में कहा गया है—

"It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint."

उपाध्यक्ष महोदय, यह बिल जितना आवश्यक है, उस दृष्टि से इस को तुरन्त सब जगह लागू करना चाहिये, विभिन्न प्रान्तों में विभिन्न नारीखों को लागू करने का कोई मतलब नहीं है। सरकार की अब तक जो डील-डाल की नीति रही है, वह इस में भी दिखलाई पड़ती है। मैं सरकार से प्रार्थना करूँगा कि अगर इस बिल को उन्हीं लाना है और इस के मुताबिक उन को काम करना है, तो पूरी मुस्तैदी के साथ करें।

इस विधेयक में बहुत सी बातें ऐसी कही गई हैं, जिनके सम्बन्ध में हमारे मित्रों ने चर्चा की है। मैं उन में से केवल दो-एक बातों की ओर आपका ध्यान आकर्षित करूँगा। इस विधेयक के क्लॉज 8 और 10 में उन लोगों के कर्तव्यों को गिनाया गया है, जिन्हें इस विधेयक के अनुसार रजिस्ट्रार को सूचना देनी होगी। इस में ओल्डिस्ट एडल्ट मेल की बात कहीं गई है—मेल एडल्ट को ही इस में क्यों लिया गया है। आज जब हम सैक्स का कोई डिफरेंस नहीं करते हैं, पालियामेंट में, दफ्तरों में मेल और फीमेल दोनों बराबर हैं, फिर मेल को ही इस के लिये क्यों जिम्मेदार ठहराया जाय। मेरे पिताजी 92 वर्ष के हैं और उन से यह आशा की जाय कि यदि हमारे घर में कोई जन्म या मृत्यु हो तो वे खुद जाकर इस की सूचना रजिस्ट्रार को दें, यह उचित प्रतीत नहीं होता है। इस में किसी भी एल्डर मेम्बर का नाम होना चाहिये।

इस में एक सब से बड़ी बात यह है कि जो हमारे ऊपर ड्यूटी डाली गई है, उस में जो जुर्माना रखा गया है कि अगर कोई सज्जन, जिसका यह कर्तव्य है कि सूचना दे, यदि समय पर सूचना नहीं देता है तो उस पर 50 रुपये तक या 25 रुपये तक जुर्माना हो सकता है। उपाध्यक्ष महोदय, आज डाकतार का युग है। मैं समझता हूँ कि रजिस्ट्रार हर एक गांव में, हर एक ताल्लुके में नहीं होगा, रजिस्ट्रार का स्थान सब-डिवीजन के हैडक्वार्टर में होगा, जहाँ 10-20 या 30 मील से लोगों



### [श्री बेनी शंकर शर्मा]

को जाकर सूचना देनी होगी। अब अगर किसी घर में कोई विधवा है या कोई अपंग है तो वह सूचना कैसे इतनी दूर जाकर दे सकता है। मेरा सुझाव है कि इस विधेयक में एक ऐसी धारा जोड़ी जाय जिससे डाक के द्वारा अण्डर सर्टिफिकेट आफ पोस्टिंग सूचना दी जा सके।

इस में एक बात यह कही गई है कि मिड-वाइफ, स्वीपर, कीपर या आंगर आफ दी प्लेस वगैरह भी सूचना दे सकेंगे। उपाध्यक्ष महोदय, मेरी समझ में नहीं आता स्वीपर को इस अंश में क्यों घसीटा जा रहा है। जो बेहतर है, वह तो पहले ही बहुत दवा हुआ है, उस पर आप एक और कानूनी दबाव-एक बड़ी जिम्मेदारी डाल रहे हैं। मैं सरकार से प्रार्थना करूंगा कि वह कम-से-कम स्वीपर को इस उत्तरदायित्व से मुक्त करे।

एक और बात मेरी समझ में नहीं आ रही है। वर्थ की जो परिभाषा की गई है वह कुछ बड़ी अजीब सी है। हमारी सरकार का रवैया हो गया है कि वह शब्दों का अर्थ कुछ ऐसे बनाती है जो किमी डिवजनरी में नहीं मिलता है और न समाज में ही उस अर्थ से कोई परिचित होता है। जन्म की परिभाषा करते हुए कहा गया है।

“Birth means live—birth and still-birth.”

मैं समझता हूँ कि बर्थ वर्थ है, उस में स्टिल-बर्थ का कोई स्थान नहीं आता है। उसकी रिपोर्ट करने से क्या फायदा होगा। कम-से-कम स्टिल-बर्थ को इस परिभाषा से निकाल देना चाहिये।

एक बात इस में और कही गई है कि बच्चों का नाम भी प्रेस्क्रीब्ड टाइम के अन्दर देना पड़ेगा। हमारे यहां नामकरण बहुत ही पवित्र संस्कार माना जाता है। मैं समझता हूँ कि इस से हमारी धार्मिक कृतियों

में अपेक्षित हतक्षेप होगा। दूसरी बात यह भी है कि हमारे यहां शास्त्रानुसार नामकरण 101 दिन के बाद होता है, कुछ लोग बाद में भी करते हैं। प्रायः ऐसा होता है कि बच्चों के बहुत दिनों तक टिकु-पिकु आदि नाम चलते हैं और वे जब बच्चे को स्कूल में दाखिल करने के लिये जाते हैं—चार, पांच या छः वर्ष के बाद, तब असली नामकरण होता है। इस लिये नाम उसी समय देने का नियम नहीं होना चाहिये, नाम करण के लिये कम-से-कम चार-पांच वर्ष की अवधि दी जानी चाहिये।

मेरे एक मित्र ने पेनल्टीज के बारे में बहुत कुछ कहा है। रजिस्ट्रार पर आपने 25 रुपये की पेनेल्टी रखी है, जब कि सूचना देनेवाले पर 50 रुपये की पेनेल्टी रखी है, यह कहां तक उचित है, इस पर विचार करना चाहिये। मैं एक बात और कहना चाहूंगा। हमारे देश में बाहर से बहुत से लोग आ रहे हैं। आज हमारे देश की विदेशी राजनीति ऐसी हो रही है कि जगह-जगह से भारतियों को खदेड़ा जा रहा है, वर्मा से लोग आये हैं, अफ्रीका से आ रहे हैं, और जगहों से भी शायद आवेंगे इस लिये उन के रजिस्ट्रेशन की भी कोई व्यवस्था होनी चाहिये। जब तक यह व्यवस्था नहीं होगी कि हमारे देश में बाहर से कितने लोग आ रहे हैं, उन के भोजन की क्या व्यवस्था है, तब तक वे सब आंकड़े इकट्ठे नहीं किये जा सकते। इस लिये बाहर से आने वाले लोगों के रजिस्ट्रेशन की व्यवस्था भी अवश्य होनी चाहिए।

मैंने इस सम्बन्ध में अनेक एमेण्डमेंट्स दिये हैं, इस लिये उन पर अमेण्डमेंट्स के समय बोलूंगा।

16 hrs.

SHRI RANDHIR SINGH (Rohtak) :  
Mr. Deputy Speaker, Sir, in this era of family planning, this Bill is very necessary and I am very glad that the Deputy Home Minister has brought forward this Bill. In fact, this was the need of the hour and

that need is fulfilled. That is something gratifying to note. Before I go to the provisions of the Bill, I would like to say that whatever Shri D. C. Sharma has said has very great relevance here. For instance, a cadre is said to be created at the State and the district levels and even at sub-divisional levels. A permanent hierarchy is going to be created under this Act. I do not think so much of authority is necessary to be given to specified officers who have to do this work. The DC is given this additional job; the SDM at his level is given this job, and the Chief Secretary of the State is given this job of Chief Registrar. They say there is a provision for a Sub-Registrar. I do not know at what door or tier they are going to create this office. At the sub-divisional levels, there will be Registrars and the Sub-Registrar would be at a lower level; that should be at a block level, the community development block. At the level of the community development block, if you could give the block development officer this additional work—the man who is doing this job of block development in the community development blocks—and if you give some honorarium to him for this work, that would be good, and here, whatever Shri Sharma has said has very great value. You will appreciate that it is difficult in one respect. In the villages, deep in the interior, you are making every adult and every literate or illiterate man or woman liable to furnish this information to the Registrar or whoever he is; they cannot go direct to the block headquarters. You will appreciate the difficulties that may be faced by them to go to the tehsil or the sub-divisional headquarters, because in a big division as in Bihar, where a district is almost equal to the whole of Haryana Pranth, a villager or a labourer or a Harijan has to leave his hearth and home and travel a long distance, say a distance of a hundred miles, to do this work.

**SHRI LOBO PRABHU (Udipi) :** Suggest to the Minister that it should be at the Panchayat level; you need not go to a block level at all. The Registrar could be appointed at the panchayat level. You may clarify that. It should be decentralised.

**SHRI RANDHIR SINGH :** Yes; that is what I am driving at. It should be further decentralised. The power should be decentralised. Clause 27 of the Bill mentions the L53LSS(CP)/68—8

delegation of powers. Powers could be delegated, and they should be delegated at the patwari level or to a village sarpanch or to a school teacher or the headmaster of the local primary school, whoever that public servant may be. His services could be very well utilised in that way. It is impossible to imagine that a literate or illiterate man or woman should be punished, if he or she does not go to the divisional headquarters or to the block headquarters; it is impossible to imagine that the law could be so harsh upon such persons. This is something which is really very rigorous.

As my friend Shri Sen said, why should a man go all the way for doing this work, which should be done by the Government servants? There should be proper arrangements for him. The person can be given some sort of TA or DA. If you feel that proper servicing at the door should be done, the man at the lowest rung—he may be a village patwari or a sarpanch or a school teacher—may be asked to do this work, and in fact, the law should be rigorous *vis-a-vis* that gentlemen. He should have all the time a vigilant eye, and he should be going round the village. If it is a big village, he can have one or two more people to assist him. It is quite impossible to imagine that the villager, literate or illiterate, has to go all the way to the district, taluk or the block headquarters. If that is the purport of the Act, it should be thrown out. The municipal record or chowkidari report in the police station has no authenticity. This record which you are creating now is a very important public document which will be useful in census or a man retires as Chief Justice, Governor etc. According to the Evidence Act also, it is important.

Regarding clause 15 which deals with correction or cancellation of entry in the register, suppose there is a contentious entry and there is a dispute about it. There is no appeal or review or revision against the order of the Registrar. After all, he is not God. He is an executive officer. We know sometimes different minds are working. Somebody wants one entry and another wants some other entry. So, the Registrar's order should not be final. It should be possible to agitate against his order by going to the District Registrar or Chief

[Shri Lobo Prabhu]

Registrar or somebody higher up. It can be agitated through a writ. No such machinery is provided here and that is a lacuna which should be rectified.

श्री ओंकार लाल बेरबा : (कोटा)  
उपाध्यक्ष महोदय, सदन में कोरम नहीं है।

MR. DEPUTY-SPEAKER: The bell may be rung.

Now there is quorum. He can continue.

SHRI RANDHIR SINGH: Coming to clause 21, in case the Registrar wants certain information to be furnished to him and the person concerned does not do so, it should be made punitive. But there is no penalty provided here for that. Therefore, section 21 should be added after sections 8 and 9 in clause 23(1)(a).

I would like to point out that the punishment provided under clause 23 is ridiculous. I would say that the punishment should be a deterrent one—it may be a sentence for one week. The man committing some sort of crime or who has a guilty intention should face some deterrent punishment, not merely a fine of Rs. 50 at the most.

I would also suggest that, in order to avoid multiplicity of litigation, the Government can compound all this under Clause 24. This is all I have to say. I beg to submit that if whatever I have suggested could form part at least of the Rules which would be framed under this Act for the purpose of enforcing the provisions of this Act, I would give my full support to this Bill.

MR. DEPUTY SPEAKER: One hour was allotted for this Bill. Already we have exceeded that limit and I find that still a number of hon. Members are wanting to speak. I would request the hon. Members to restrict themselves somehow.

SHRI DATTATRAYA KUNTE (Kolaba): I presumed and even now presume that this is a social welfare legislation and if this legislation was brought with that intention, this could have been couched in a different language and it should not have so many penal clauses. I say this because in our country, since the time provincial

autonomy came, the pace of literacy has not grown at the level at which it ought to have grown. Even after 31 years, with all the efforts in the State Legislatures and the State Governments, we have reached only 30% literacy level from 20% in the beginning. If you look at the urban areas and rural areas, you will find that the percentage of illiteracy in the rural areas is much larger. Under these circumstances, we would not be able to achieve the objectives, which this legislation is intended to achieve, if it contains so many penal clauses. Putting such statutes on the Statute Book would not serve any useful purpose. After all, what is the intention of this legislation? The intention is that all births and deaths should be registered. Every ten years the Census is taken and all these things are being recorded. We really want to know what happens in the intervening period. If you want to record all these things, it must be by way of educative process, rather than this sort of penal legislation.

I am putting emphasis on this because, when you are going to the Panchayat level, as my hon. friend, Shri Lobo Prabhu, was kind enough to point out to my predecessor, what would happen? This would give a handle to those persons in authority in the Panchayat area for harassing the people. This legislation must not be a source for harassment. Even the people living in remote villages of our country ought to know that this is being done with the best intention of serving the society. If one looks at the penal clauses provided in the Bill, it looks as though this legislation is being introduced just for the sake of adding one more statute on the Statute Book, which will suggest further ways and means to catch people under the clutches of this legislation.

It is no doubt that the Rajya Sabha has considered this and passed and it has come to us only after that. I really wish that the Minister should take his own time and see whether he would like to modify this legislation with this point in view.

Then there is another aspect which I would like to point out. The Government is so much enamoured of delegating powers to itself, for framing rules etc. For instance, under clause 14, the name of the child

is to be registered after it is named, and that is to be done within a prescribed period. It looks as though the period itself could not be prescribed. Many times, this delegated legislation as it is called, the rule-making power, is lost sight of by the Members of this House. Therefore, really speaking, what ought to be passed on to the rule-making body should be only those powers which could not be properly clarified in the legislation itself. Here no reason has been given why these powers have been given to the rule-makers. I am reminded of the Defence of India Act, 1939 which contained only two or three sections; but the rules made under that Act came to 500 and odd. The same thing should not happen here also. Therefore, whenever government bring legislation they ought to be careful to see that as little delegation as is possible is done and there also it should be able to prove to the House why it could not be provided in the enactment itself.

These are the two points that should be considered. Many hon. Members have pointed out how some of the clauses are penal in nature. I want to point out that in this country when people in the villages are given certain authority they feel a certain glow of power. This glow of power is felt even by people at the lowest rung of the ladder. So, if more power is given to them by delegation, it will make the position difficult.

Under these circumstances, when this Act becomes part of the statute book it will let loose tyranny, whatever assurance the Minister might like to give that it will not be used in a tyrannical manner. If it is not being used in a tyrannical manner, then it will be ridiculed like the Child Marriage Act passed by Sharda. Either the Minister and the government are keen that proper records should be maintained, in which case the penal clauses should be invoked, or they do not want this Act to be effective. They only want to put it in the statute book, which is only a waste of public money because implementation of any Act means cost to the exchequer. These are the two points which the Minister ought to take into consideration and I hope before this Bill becomes an Act, he will come forward with proper amendments to rectify these defects.

**SHRI HIMMATSINGKA (Godda) :** I have only one or two suggestions to make for consideration by the Minister. I have not given notice of any amendment. I feel that the provisions in clause 13 are very difficult to comply with by the villagers. For instance, clause 13 prescribes a time-limit for giving information about births and deaths and a penalty is prescribed for delay. Sub-clause (2) of clause 13 further provides that if it is beyond 30 days, apart from paying the prescribed fee, an affidavit made before a notary public has to be produced. I think the notary public exists only in presidency towns; it does not exist even in district towns. So, people will have to go to the officer authorised in this behalf. It will be difficult for the people to know who is authorised to affirm an affidavit and so on. It will also mean a lot of expense to them. This provision is unnecessary and even if the birth is recorded a few days later it does not matter much.

Similarly, clause 14 is wholly unnecessary. It says that when a child is named that should also be reported. If at all the name is necessary, it should be the duty of the registrar or the person who has got the entry of the birth of the child to get his name. He can send a postcard or somehow get the name and record it.

**SHRI P. RAMAMURTI (Madurai) :** I have got an entirely different viewpoint on this Bill. Even today the registration of births and deaths does take place in our State. The State Government does it, through its various machinery. Even in the villages birth and death do not escape registration. It is not necessary that the particular person in whose house a birth or death has taken place should go and register it. In our State it is the responsibility of the village patel—he is called gram munsif in our area—to see that every birth and death in a village is registered. In the towns also we have got some machinery. I dare say that the machinery that has been created by the Madras State has been working so well in our parts for the last so many years. I do not think that machinery should now be dismantled just because the Central Government want to do that work. I know that it is a concurrent subject. In a place like Delhi or some other place, some backward area, where these things are not done properly, or in those

[Shri P. Ramamurti].

areas where you have got President's Rule like Uttar Pradesh or Punjab, if you want to do it through the machinery of the Central Government I do not mind your bringing a Bill for that particular purpose only for those States.

After all, you have to understand that we are functioning under a federal structure. This continuous erosion into the sphere of activities which is creating a situation in this country where the State Governments are feeling day after day that they are nothing but just glorified district boards or municipalities. This is the question which I want to canvass here.

It is an absolutely unnecessary measure. What is it that you are going to create? You are going to appoint a Registrar General of India. If you want to create more officers and pay them Rs. 3,000 or Rs. 4,000 a month, say so. Beyond that what are you going to do? In every State you are going to create an additional officer. What for is it being created? Our State is doing jolly well without him and so is Kerala. All the States have got those officers and can do without a special officer.

If you want these things to be co-ordinated, you can call a meeting of the Chief Ministers of the States and the particular officers who are doing it. Have a conference, discuss how these things are being done in different States and come to a common understanding. Have some sort of co-ordination and I can very well understand that. But you are not willing to do that. Instead of that you want to have your own special machinery and I do not know how you will be able to carry on with that special machinery if you do not get the co-operation of the States. I do not know whether Government also wants that births and deaths in this country must also take place centrally. I cannot understand this mentality at all.

This is unworkable. If this Bill is passed, it is not going to work. This is a concurrent subject on which both the States as well as the Centre can legislate. I understand that. But have you held a conference; have you called a meeting of the States and discussed with them that you are bringing forward a legislation on this subject? That is the most elementary thing that you

have to do. Without doing it if the Centre thinks that they can pass a Bill to see that their writ runs everywhere and that they have only to give a fiat and everybody has to follow, they are mistaken. Those days are gone. Read the writing on the wall.

Somebody was saying, for example, that if a Judge's age is wrong it requires action. I know of a case, the case of the Madras High Court Chief Justice, Justice Ramachandra Iyer. His younger brother's 65th birthday was celebrated when this gentleman continued to be the Chief Justice of Madras. Complaints had already been made to the President of India and all those things had been known. But what happened? You never took any action. The President never took any action; on the other hand, he quietly asked the Chief Justice to resign and go away. This is what happens.

Therefore it is not because of want of statistics or powers that the Central Government is not taking action against those judges who give false dates of birth but it is because they do not want to do it. What moves the Central Government is that if a Judge gives a false report, what would happen to the prestige of the court. That is the consideration that moves the Central Government. Therefore the argument of my hon. friend from Haryana will not hold good.

Therefore I say that it is an absolutely unnecessary Bill. Withdraw this Bill and have consultations with the Chief Ministers and see if they want such a Bill. Everybody is interested in seeing that births and deaths are registered. The States are also interested in it because it is a question of sharing the income-tax as the total population of a State is also taken into consideration as one of the factors to arrive at the divisible pool. Therefore it is absolutely essential that in all such matters falling in the concurrent list you should consult the States. We feel that most of the subjects in the concurrent list must be transferred to the States. Do not have this over-centralisation and do not try to issue fiats to the States; on the other hand, treat the States as partners with you. Then only it will be conducive for better and harmonious relations between the States and the Centre. Otherwise, the relations between the States and the Centre are going to worsen day

after day. Therefore I would appeal to the Minister that this is not a very urgent thing, he should withdraw it, call a conference of the States and then decide about it.

श्री भोला नाथ मास्टर (अलवर) :  
उपाध्यक्ष महोदय, वास्तव में यह एक ऐसा बिल है जो कि खास तौर से गांव वालों को बहुत परेशान करने वाला सिद्ध होगा। यही एक बात है जिस पर मैं जोर देना चाहता हूँ।

इस में यह कहा गया है कि अस्पताल में भी जो मौत होगी उसके लिए भी सर्टिफिकेट लेना होगा। यह ठीक है कि बिना किसी प्रकार के चार्ज के वह सर्टिफिकेट दिया जाएगा। लेकिन जैसे हालात देश के आज हैं आप अच्छी तरह से जानते ही हैं कि कोई सर्टिफिकेट बिना पैसे दिये हुए नहीं मिलता है। आप यह भी जानते हैं कि व्यापारी लोग जो रिटर्न देते हैं उसके बारे में नियम है कि तहसील में जा कर बिना पैसे दिये हुए वे अपनी रिटर्न को दाखिल कर सकते हैं। लेकिन वास्तव में ऐसा होता नहीं है। उनका भी काम बिना पैसे के होता नहीं है और बिना पैसे लिये हुए उनकी रिटर्न को दाखिल नहीं किया जाता है। मैं चाहता हूँ कि कानून इस तरह का न बनाया जाए कि गांव वालों को खुद जा कर वहां हाजिर होना पड़े। इस में होगा यह कि जिस अधिकारी के पास वे जायेंगे वह वहां होगा ही नहीं। वहां मौके पर मौजूद पर होगा ही नहीं। आप कहते हैं कि वहां पर समय लिखा होगा, बोर्ड लगा होगा, समय दिया हुआ होगा। लेकिन उस समय में वह वहां मिलेगा ही नहीं। एक आदमी जब लिखाने के लिए जाएगा तो उसको कम से कम एक दिन ज़ाया करना होगा। चार पांच रुपये उस दिन खर्च करके उसको पड़ जायेंगे। निम्नम वेज की बात चल रही थी। यह कहा गया था कि दो सौ रुपया वह होनी चाहिये। इस तरह से सात रुपया एक दिन का उसका हर्जा होगा। सारा दिन जा कर उसको वहां बैठना

पड़ेगा। यह भी हो सकता है कि वह अधिकारी गैर-हाजिर हो, लीव पर हो, छुट्टी पर हो। इस तरह से गांव वाले को हैरान और परेशान होना पड़ेगा और जो नाम दर्ज वह करवाना चाहता है वह नहीं हो पाएगा। इस वास्ते इस प्रकार का लैजिस्लेशन नहीं आना चाहिये। मैं चाहता हूँ कि इस बिल को आप सिलैक्ट कमेटी के सुपुर्द कर दें जहां इस पर विचार हो, लोगों की क्या दिक्कतें हैं उन पर विचार हो गांव वालों को क्या परेशानियां होंगी इस पर विचार हो। इन सब बातों को सोच और समझ कर के ही इस बिल को यहां लाना चाहिये।

SHRI C. CHITTYBABU (Chingleput) :  
Mr. Deputy-Speaker, Sir, I wish to speak in Tamil because the Minister-in-charge knows my language.

\*Mr. Deputy Speaker this is a bill by the Hon'ble Minister to challenge the activities of the State Government. The Madras Government has been doing the registration of Births and Deaths in our State. I don't know the need for this bill at this hour when the State Government does the work through its various machinery.

Now the Centre wants to overpower in all the State activities. I hope that the Centre will interfere even in the local Boards and Municipalities level. Now the Congress people talk of nationalism. There are National Malaria Eradication Scheme, Filaria Scheme, National Food and dress programme etc. and why is this National Registration of Births and Deaths Bill. It is just to curb the powers of the State.

The expense for the registration of births and deaths it is stated, would be Rs. 10,000/- Will anyone accept the post of Registrar General without an offer of Rs 3,000/- or 4,000/- as his salary? Nobody would come forward. This post is created for an interested person.

This Bill will cause another difficulty also i.e. the language problem. In clause 10(ii) it is stated that the sweeper will notify the

\*The original speech was delivered in Tamil.

[Shri C. Chittybabu].

births and deaths to the Chief Registrar of the State.

Will it be possible for a sweeper to attend to this work. It is unworkable. The whole bill is unnecessary when each State Government is actively doing this work.

Another clause 8(d) reads that a person who is in charge of a toddy shop has to register the births and deaths. Is it possible, in such a liquor shop, where everyone is in intoxicated mood, practically? I don't think so. The Minister has stated that for the convenience of the Health schemes and Family Planning, this bill holds good.

We are already having statistical Department. Is it not giving the actual births and deaths of people in our Nation? Then what is it doing? Why is this bill then?

You are all now in a drowsy mood and hence such bills are brought. I strongly appeal to the Minister to kindly withdraw this bill. The withdrawal will cause a harmonious relationship between the Centre and State.

श्री नःशराम अहिरवार (टीकमगढ़) :  
उपाध्यक्ष महोदय, मैं इस विधेयक के बारे में सरकार से कुछ क्लेरिफिकेशन चाहना हूँ। आप जानते हैं कि आम तौर पर कुछ हिन्दुओं में पुनर्विवाह नहीं होते हैं। अगर किसी इलेजिटिमेंट, अनुचित ढंग से, बच्चा होता है, बहुत से लोग उस को मिशनरीज़ के हास्पिटल में दाखिल कर देते हैं। मैं यह जानना चाहता हूँ कि इस तरह के जन्मे शिशुओं के रजिस्ट्रेशन का क्या होगा।

कुछ ट्राइब्स ऐसे हैं, जैसे लोहे का काम करने वाले और मांगने वाले भी, जो खाना-बदोश की तरह देश में घूमते रहते हैं। उन के रहने की कोई स्थान नहीं होता है। उन के जन्म-मृत्यु के रजिस्ट्रेशन का क्या होगा।

हमारे प्रदेश में जन्म-मृत्यु के बारे में सूचना देने का काम ग्राम-पंचायत-स्तर पर होता है। ग्राम-पंचायत के कार्यालय में एक कुटुम्ब रजिस्टर होता है, जिसमें सब बालिगों और

नावालिगों के नाम होते हैं। जो व्यक्ति मर जाता है, उस का नाम उस रजिस्टर से काट दिया जाता है और किसी बच्चे का जन्म होने पर उस का नाम रजिस्टर में दर्ज कर लिया जाता है। गांव का चौकीदार गांव में घूम कर पता लगाता रहता है कि फलां, आदमी के यहां बच्चा हुआ है या फलां की मृत्यु हुई है। यह सूचना गांव के सरपंच या मुखिया द्वारा थाने में लिखा दी जाती है। यह बहुत साधारण और सीधा काम है। अगर इस काम के लिए कर्मचारियों की एक बहुत बड़ी फ़ौज तैयार करनी हो, तो दूसरी बात है लेकिन मैं समझता हूँ कि इस काम के लिए इतनी बड़ी मशीनरी की कोई ज़रूरत नहीं है।

जहां तक सब-रजिस्ट्रार का सम्बन्ध है, वह ग्राम-पंचायत लेवल पर तो नहीं होगा, ज्यादा से ज्यादा ब्लाक लेवल पर होगा। जब किसान तकावी का रुपया जमा करने के लिए तहसील में जाता है, तो उससे रुपया जमा करने के लिए भी उस से घूस मांगी जाती है। अगर किसान अपने लड़के, नाती या पोते के जन्म की सूचना देने के लिए जायेगा, तो बाबू कहेगा कि इतने पैसे दो, साहब छुट्टी पर गये हैं या तुम देर से क्यों आये हो, तुम पर पिनेल्टी लगेगी, आदि। इस प्रकार किसान के काम का नुकसान होगा, उस को जुर्माना देना पड़ेगा और उसको कई तरह से परेशान किया जायेगा।

इस लिए मेरा निवेदन है कि सरकार इस बिल में यह संशोधन लाये कि जिन राज्यों में यह काम ग्राम-पंचायत लेवल पर हो रहा है, वहां यह सूचना उसी स्तर पर दर्ज की जाये। तहसील में एक इंस्पेक्टर नियुक्त कर दिया जाये, जो हर पंचायत का दौरा कर के इस सूचना को सर्टिफाई करे। वह गांव के सरपंच या मुखिया को बुला कर तस्दीक कर ले कि रजिस्ट्रेशन ठीक हुआ है या नहीं। अगर किसान या गांव के किसी आदमी को जन्म-मृत्यु की सूचना देने के लिए कहीं जाना पड़ेगा,

वो उनको बड़ी परेशानी होगी और वह एक शलत बन होगी

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : I am glad that all the members who spoke have welcomed the necessity for this Bill except perhaps Shri D. C. Sharma who was very philosophical in his attitude towards this Bill. He was saying that birth and death are divine and are something which are ordained and, therefore, we should not worry about them. We cannot run this country on this kind of philosophical basis. As I explained in the beginning, this Bill is very necessary; statistics of these are very much necessary for planning health schemes, for evaluating the results of the health schemes, and for social and economic reforms. So also, the population and other problems are there and nobody can question the need for a Bill of this kind. I wish to point out that registration will not result in harassment and it will not create any difficulty. We have provided in Clause 25 that for any action to be taken one has to get the authorisation from the Chief Registrar. So, cases cannot be foisted upon anybody by anybody. Some hon. Members pointed out that there is some difficulty for the public to go to the Registrar and they should be given some daily allowance or maintenance allowance and all that.

SHRI LOBO PRABHU : The post of Registrar already exists.

SHRI K. S. RAMASWAMY : Yes. According to the scope of the Bill the Registrar's office will be located in each and every village and there will be no necessity at all for the public to go for more than a mile or so. Even though they can send it by post, that will only create some hardship for them, but in the village, they can go at any time and report the matter. People in the urban areas also would get this facility. The hon. Member, Shri Ramamurti said that we have to consult the State Governments and that we are assuming the powers of the State Government. Sir, as early as 1961, we called the representatives of the Union Territories and the States and we had a conference and all of them had agreed about this measure and the Bill also was circulated to all the States and they have concurred with it.

SHRI P. RAMAMURTI : At that time the same party, the Congress party had ministries in all States.

SHRI K. S. RAMASWAMY : Whatever it is, Ministry is Ministry. White or black, Ministry is Ministry. There is no question of Centre-State relations. Sir, he also said that birth cannot be distinguished between State and State. There is nothing as Centre birth. But even if power is given to the State it cannot be distinguished between village birth, or town birth or district birth because there is no such distinction. Everybody born in this country is the citizen of this country. Therefore, Sir, it is not the intention anywhere to usurp the power of the States in any manner. Shri Chitti Babu asked why the person born in the toddy shop should be registered.

SHRI UMANATH (Pudukkottai) : His objection was not that. You ask the sweeper to give the information. Why don't you ask the owner of the toddy shop instead of putting the responsibility on the sweeper? He is subjected to fine if he does not do it.

SHRI D. C. SHARMA : What happens if a birth takes place on the floor of the Lok Sabha?

SHRI K. S. RAMASWAMY : My hon. friend is wrong. For birth in toddy shop, it is the person in charge, not the sweeper.

SHRI RANDHIR SINGH : My hon. friend says, what happens if birth takes place on the floor of the Lok Sabha...

SHRI K. S. RAMASWAMY : Every day, Professor Sharma is giving birth to new ideas.

SHRI UMANATH : He can give birth to only ideas now.

SHRI K. S. RAMASWAMY : Regarding the Registrar-General, the Registrar-General is already there and we are not going to create a new hierarchy from top to bottom. My hon. friend said, money will be wasted and many people will be appointed. It is not so. As I have said, we have got this machinery in every State. Only thing was, they were not coordinated. They were functioning in a haphazard manner and they were not satisfactory. We are only going to streamline this machinery and make it a workable system from top to bottom. We



[Shri K. S. Ramaswamy].

are going to appoint a few people only and we intend declaring a few existing officers to look after this work additionally. That is why it has been stated that only Rs. 10,000 will be the expenditure for this purpose. We are not going to create a new post of Registrar General for this purpose.

Dr. Ranen Sen referred to foetal death. Foetal death is no doubt described here. But only still births will be registered and for that we are going to prescribe some duration, that is, about 28 weeks or so. Only that will be registered, not all kinds of foetal death.

Many members have said that there should be no second registration after the name of the child is given. There is a practice in every State to name a child at different times. In some States, they name the child after a week, in some after some months and in some others within a year. So it is left to the States to frame rules for the purpose. As soon as the name is given, they will report the matter to the concerned officer.

There is no need to refer the Bill to a select committee. The Bill has already been considered and passed by the Rajya Sabha and no Member here has disagreed with the object of the Bill or the provisions thereof in any manner.

DR. RANEN SEN : Most Members have said that it is very cumbrous and that it will give rise to corruption and harassment. He has not answered that.

SHRI K. S. RAMASWAMY : I said in the beginning that there is no scope for corruption here because if any officer has to take action, he must take the permission of the Chief Registrar. Therefore, no harassment can take place.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill to provide for the regulation of registration of births and deaths and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration”.

*The Motion was adopted.*

Clause 2—(Definitions and interpretation)

SHRI BENI SHANKER SHARMA : I beg to move :

Page 2, line 2,—omit “or still-birth”. (7)

उपाध्यक्ष महोदय, मेरा संशोधन केवल इतना ही है कि जो बर्थ का डेफीनीशन है उस में से मैं स्टिल बर्थ को उठा देना चाहता हूँ। आप देखिये कि बर्थ की डेफीनीशन के लिये हमें तीन जगह जाना पड़ता है। पहले स्टिल बर्थ क्या है ?

“‘Still-birth’ means foetal death where a product of conception has attained at least the prescribed period of gestation.”

और फोयटल डेथ क्या है ?

यह 2(सी) में डिफाइन किया गया है :

“‘Foetal death’ means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy.”

उपाध्यक्ष महोदय, मेरी समझ में नहीं आता, जैसा मैं ने अभी अपने भाषण में कहा है कि स्टिल बर्थ की गणना करने की आवश्यकता क्या है। इस से बेकार का काम बढ़ जायगा और इस से कोई मतलब नहीं निकलेगा ? स्टिल बर्थ की परिभाषा के लिये हमें यहां तीन जगह बूढ़ना पड़ता है तो जिन लोगों को रिपोर्ट करनी पड़ेगी उन को इस परिभाषा की कहां तक जानकारी रहेगी—संदेहास्पद है। इसलिए मैं समझता हूँ कि अभी फिलहाल हम लोग अपना काम चला सकते हैं केवल जीवित बालकों की गणना रख कर। हम केवल उन्हीं का हिसाब किताब रखें और स्टिल बर्थ को बर्थ की परिभाषा में शामिल न करें।

16.44 Hrs.

[SHRI R. D. BHANDARE in the Chair.]

SHRI K. S. RAMASWAMY : It is very necessary to register still-births in the light of the family planning programme.

SHRI LOBO PRABHU : I would support what has been said by my hon. friend earlier with regard to still-birth.

MR. CHAIRMAN : Has he moved any amendment ?

SHRI LOBO PRABHU : I beg to move:  
Page 2,—

omit lines 5 to 13. (8)

Page 2,—

omit lines 18 to 20. (9)

I want to say that if you record a still birth, you have also to record a still death. Otherwise, your statistics will contain a birth about which a death is not on record and there is no purpose in recording, for vital statistics, a birth that does not exist. You are going to complicate our population figures by recording still births. That is a very vital argument which has not been seen by the Minister.

DR. RANEN SEN : There is no word in the language as still-death.

SHRI LOBO PRABHU : That is why I am telling you that you are involving yourself in a ridiculous position that you are recording a still birth.

DR. RANEN SEN : There is no word as still-death.

SHRI LOBO PRABHU : I thank you very much for your information which I have had much before you were even born.

MR. CHAIRMAN : Please address the Chair.

SHRI LOBO PRABHU : As the member thought of interrupting, I had to correct his ignorance on the subject.

DR. RANEN SEN : He is speaking out of ignorance. He does not know himself.

SHRI LOBO PRABHU : If still birth is to add a figure to the birth which is not existing, it is going to spoil your statistics. I therefore suggest you omit the word still-birth when you refer to birth.

I am referring to the other definition which you give. When a word is defined in any Act, it must be used somewhere in

the Act. These words "foetal death", "live birth" and "still-birth" are used only in Clause 2 and nowhere else in the Act. To give definitions which are unnecessary is only to make your Act more cumbersome, less intelligible, more open to corruption and confusion. I would, therefore, press very strongly that you omit still-birth as proposed by my learned Shri Beni Shankar Sharma, and you omit lines 5 to 15 which concern the other definitions of foetal-death, live-birth and still-birth. It will not harm the structure of your Act at all.

SHRI K. S. RAMASWAMY : We have launched a big programme of family planning, and for a proper assessment of family planning it is also necessary that still-births should be registered. Clause 2(1)(g) states :

" 'still-birth' means foetal death where a product of conception has attained at least the prescribed period of gestation."

Because "foetal-death" appears here in this definition, a proper definition of "foetal-death" is given in Clause 2(1) (c). Still-birth is recorded as death and not live-birth. Still-birth means foetal death. If it is recorded as still-birth, it means death.

MR. CHAIRMAN : I put Amendment No. 7 to the vote of the House.

*Amendment No. 7 was put and negatived.*

MR. CHAIRMAN : I will now take up amendments 8 and 9.

SHRI LOBO PRABHU : Before proceeding to these amendments amendment No. 6 must be taken up.

MR. CHAIRMAN : There is no amendment No. 6.

SHRI LOBO PRABHU : You can take it up separately.

MR. CHAIRMAN : I shall now put amendments No. 8 and 9 to the vote of the House.

*Amendments No. 8 and 9 were put and negatived.*

MR. CHAIRMAN : I shall now put the clause to the vote of the House. The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

CLAUSE 3—(Registrar-General, India.)

SHRI LOBO PRABHU : I move :

Page 3, line 1,—

after "annual report" insert "within six months of the end of the year".  
(10)

Amendment No. 10 to clause 3 is a procedural amendment because it is provided that these reports should be made from time to time. In other sections the report is made annually. It is not necessary that there should be a provision for reports other than annual report. So I would press my amendment. If you want a workman-like Act, you refer to reports which are made annually.

SHRI K. S. RAMASWAMY : The Registrar has to get a report from the various Sub-Registrars. Weekly reports are called for. So this is a continuous process. No time limit of 6 months may be fixed.

MR. CHAIRMAN : Now I will put amendment No. 10 to clause 3 to vote.

*Amendment No. 10 was put and negatived.*

MR. CHAIRMAN : Now I will put clause 3 to vote. The question is :

"That clause 3 stand part of the Bill".

*The motion was adopted.*

*Clause 3 was added to the Bill.*

CLAUSE 4—(Chief Registrar)

MR. CHAIRMAN : There are two amendments to clause 4.

Does the hon. Member want to press for his amendments ?

SHRI LOBO PRABHU : Yes, Sir. In clause 4 I have proposed amendment No. 11, that on page 3, lines 17 and 18,—after 'Government' insert the words 'and the Registrar General'. (11)

This is a report of the Chief Registrar to his Government. It should simultaneously go to the Registrar General as provided in clause 19. It is only an addition of the words 'Registrar General' because the Registrar General also has to compile a report without delay. That is the first amendment to clause 4. clause 4 is :

The second amendment No. 12, to clause 4 is :

Page 3, lines 18 and 19,—for "and at such intervals as may be prescribed, a report" substitute "an annual report within three months of the end of the years".  
(12)

We have the unfortunate experience of reports reaching Government about a year after they are made by the officials and reaching the public sometimes 3 years later.

Unless you set a time-limit for a report, at least for an annual report, you will have the same feature that reports are all out of date when they are made available. So, I request the Government...

श्री रामावतार शास्त्री (पटना):सभापति महोदय, सदन में कोरम नहीं है।

MR. CHAIRMAN : Now, there is quorum. The hon. Member may continue.

SHRI LOBO PRABHU : I do hope that the Government will not be obdurate about this. These vital statistics, to have any importance, must be up-to-date. Unless you prescribe a period within which these should be submitted, you will find that the statistics will prove not of the same use.

In this connection, I would like to add what I should have said before : that the importance of this record which has been challenged by so many people including Mr. Sharma, has to be realised with reference to the existing statistics. If you recognise the fact that between the registered statistics and the estimated statistics there was a gap of 100 per cent, there would not be this resistance to this present Bill. For instance, between 1951 and 1960, the registered statistics of birth were 22; the estimated statistics were 41.7. In respect of the death rate, the registered statistics were 11 and the estimated statistics were 22.8. You have, therefore, a very fallacious record of statistics maintained under the existing

arrangement. Therefore, we have to have the proposals under the Bill, and we have also to see that those proposals work with the maximum of speed and without unnecessary delay in the courts as has been occurring so far.

SHRI K. S. RAMASWAMY : For the same reason given by my hon. friend, we have introduced this Bill and we are calling for periodical reports and if they are sent to the State, they will be naturally sent to the Registrar. Even if anything is not coming, we can have recourse to clause 22 by which the Central Government may always require the officers below to send the report.

I oppose the amendments.

MR. CHAIRMAN : I shall now put amendments 11 and 12 to the vote.

*Amendments Nos. 11 & 12 were put and negatived.*

MR. CHAIRMAN : The question is :  
"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clause 5 was added to the Bill.*

CLAUSE 6—(District Registrar)

SHRI LOBO PRABHU : I beg to move :  
Page 3, line 25, for "appoint" substitute  
—"declare any official" (13)

There was a great deal of discussion in the House about appointing an army of officers for this registration. The confusion arose because the word 'appoint' is used. To appoint an officer is a little different from declaring an official who is already existing to be charged with a certain duty. There is no independent Registrar in the panchayats or at the district or State level. He is an official who carries out these duties and is designated as such. I have, therefore, proposed that instead of using the word "appoint", you can use the words "declare any official". That will remove the misapprehension which exists.

Also, if the word "appoint" is used, every time an incumbent changes, a fresh order of appointment will be necessary. But if you declare an official or a post to be that

of a Registrar in different categories, this defect would be removed. This amendment does not affect the structure of the Bill and may be accepted.

SHRI K. S. RAMASWAMY : I would draw the attention of the hon. member to section 15 of the General Clauses Act, 1897, which says :

"Where by any Central Act or regulation, power to appoint any person to fill any post or execute any function is conferred, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office."

We are going to appoint them by virtue of their office. Even if it is by name, it is covered by section 15 of the General Clauses Act.

SHRI LOBO PRABHU : I do not think so.

MR. CHAIRMAN : I will now put amendment No. 13 to the vote of the House.

*Amendment No. 13 was put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 6 stand part of the Bill."

*The motion was adopted.*

*Clause 6 was added to the Bill.*

MR. CHAIRMAN : Then, there are three Amendments to Clause 7.

SHRI LOBO PRABHU : I don't press them as they are more or less the same as Number 1.

MR. CHAIRMAN : The question is :

"That clause 7 stand part of the Bill".

*The motion was adopted.*

*Clause 7 was added to the Bill.*

CLAUSE 8—(Persons required to register births and deaths.)

MR. CHAIRMAN : There is one Amendment in the name of Shri D. S. Patil. He is not here. Amendments No. 17 and 18 are in the name of Shri Lobo Prabhu.

**SHRI LOBO PRABHU :** I beg to move :

Page 4, lines 29 and 30, —  
omit "by the State Government" (17)

Page 4, line 38, —  
for "nearest" substitute "eldest". (18)

I pointed out that Section 19 provides that the Registrar should make the rules, but this Section provides that the Government should make rules. There is discrepancy here. But, if the Government seems to think that the Act is not capable of any improvement, I don't want to press the Amendment. It is for you now to decide whether such a discrepancy should be allowed to go in the Act.

**SHRI BENI SHANKER SHARMA :** I beg to move :

Page 4, line 39 :  
(i) for "the oldest" substitute—"any".  
(ii) after "male" insert—"or female".  
(19)

The responsibility has been cast on the oldest person present in the house to report to the authorities. And that also is to be done by the oldest adult male present. This hideous distinction between a male and a female goes against the very spirit of our Constitution. So far as reporting business is concerned, this could be done by a male or female and we should make no distinction between them.

There is also another difficulty. There are some fortunate families in which the oldest male member is above 90 years. I have a gentleman in my Constituency aged 115 years. Is he expected to do this job of reporting when he has four or five generations behind him to do it? It is an impractical suggestion. That is why I have suggested that any adult male member should be deemed to be competent to report the matter of births and deaths to the Registrar. I am also suggesting that, in order to avoid the distinction between a male and a female member, the word "male" should be deleted or after the word "male" the words "or female" should be added.

श्री श्री चन्द गोयल (चण्डीगढ़) : अध्यक्ष महोदय, मैं समझता हूँ सरकार को इसके अन्दर संशोधन करने में कोई आपत्ति नहीं

होनी चाहिए और उनके लिए इसमें कोई प्रतिष्ठा का भी सवाल नहीं है। यह एक व्यवहारिकता का प्रश्न है कि कौन व्यक्ति जाकर इसकी सूचना दे सकता है। मैं समझता हूँ अनायास से शब्द आ गए हैं, सरकार की इस प्रकार की कोई मंशा नहीं होगी कि यह उत्तरदायित्व परिवार के उम्र में सबसे बड़े व्यक्ति के ऊपर ही डाला जाए, वही इस जिम्मेवारी को निभाए मैं समझता हूँ कि इसकी कोई आवश्यकता नहीं है। परिवार का कोई भी व्यवस्क सदस्य जाकर रिपोर्ट करता है, सूचना देता है तो उससे भी वही अर्थ निकलता है और कानून की जो आवश्यकता है, जो मंशा है वह पूरी हो जाती है। ऐसी स्थिति में मैं समझता हूँ सरकार को यह संशोधन मानने में कोई आपत्ति नहीं होनी चाहिए।

**SHRI LOBO PRABHU :** I have also suggested another amendment—instead of the word "nearest" you should have the word "eldest". The nearest relation of any member would be his child or his wife or someone who need not be an adult. Would you expect a minor child to go and report the death or birth in a family? That is why I have suggested that the word "nearest" should be replaced by "eldest".

**SHRI K. S. RAMASWAMY :** The purpose of this sub-clause is to foist the responsibility on someone in the family. It is not necessary for the person responsible to go and report it. He can choose to go himself or cause it to be reported. Supposing the head of the family on whom this responsibility to report is foisted is not there at a particular time, he can ask his nearest relative, who may be his brother, to do this job. But we don't want any lady member of the family to go for this purpose. We want to avoid the ladies going there for registration purposes. We have it clear in the sub clause that if the head of the family is not present and also his nearest relative is not present in the house, any oldest male person present there could do this work.

श्री रामाबतार शास्त्री : सदन में फिर कोरम नहीं है।

MR. CHAIRMAN : He may resume his seat. The bell is ringing.....Now, there is quorum.

I will now put amendment Nos. 17, 18 and 19 to the vote of the House.

*Amendments Nos. 17, 18 & 19 were put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 8 stand part of the Bill."

*The motion was adopted.*

*Clause 8 was added to the Bill.*

*Clause 9 was added to the Bill.*

**Clause 10.**—(*Duty of certain persons to notify births and deaths and to certify cause of death*)

SHRI LOBO PRABHU : I beg to move :

Page 6, line 15,—*after "both" insert "not already notified under section 8".*  
(20)

There was a certain objection, or rather many objections, to sweepers and midwives and others being enjoined to report. What has not been notified is that under section 8 the responsibility is already cast on certain parties to report and if those parties discharge their responsibility there is no reason why others like the midwife, the sweeper, the keeper or owner of the place or any other person should come in. When you divide or diversify responsibility you almost always destroy it. So, I have proposed that if you intend to keep clause 10, you might, after the word "both" insert "not already notified under section 8". If that birth or death has already been notified under section 8, the categories mentioned in section 10 should not be bound to make the report, because in that case you will have two reports of the same event.

SHRI K. S. RAMASWAMY : This is really to make doubly sure of the registration that this provision has been brought in. People mentioned in this section definitely know about the birth or death of a person. When they make a report, it will be compare with the other earlier report and it will be ensured that there is no double entry.

श्री जार्ज क्रानेन्डल : (बम्बई-दक्षिण) : सभापति महोदय, मुझे इस क्लॉज का सख्त विरोध करना है क्योंकि अगर आप इस को पढ़ेंगे तो आप को पता चलेगा कि इस में लिखा है :

"It shall be the duty of—

\* \* \* \* \*

the sweeper in a municipality, panchayat or other local authority;

\* \* \* \* \*

to notify every birth or death or both at which he or she attended or was present"

यानी किसी म्यूनिसिपैलिटी का कोई भी झाड़ूवाला अगर किसी ऐसी जगह पर है जहां कोई आदमी मर गया है तो इस क्लॉज के मुताबिक उस झाड़ू वाले को तत्काल रजिस्ट्रेशन के दफ्तर में जा कर कहना पड़ेगा कि जब मैं अमुख जगह पर हाजिर था तब अमुख आदमी मर गया। आप देखिये कि इस में लिखा है कि 'स्वीपर आफ दि म्यूनिसिपैलिटी'। इस का साफ मतलब है कि :

midwife or any other medical or health attendant

की बात नहीं है या

keeper or the owner of a place set apart for the disposal of dead bodies की बात नहीं है। मैं आप को बम्बई का उदाहरण दूँ। बम्बई शहर में बम्बई कारपोरेशन के सबेटी हैसियत से 12 हजार झाड़ू वाले हैं। आप के कानून के मुताबिक 12 हजार लोगों पर यह जिम्मेदारी डाली जाती है कि :

It shall be the duty of 12,000 sweepers of the Bombay Municipality. It shall be their duty.

वैसे ही दिल्ली में भी कम से कम 5 हजार कर्मचारी होंगे। वैसे ही कलकत्ता में और दूसरे छोटे बड़े शहरों में होंगे। हर एक म्यूनिसिपैलिटी के झाड़ूवाले की जिम्मेदारी होगी, अगर यह बिल मंत्री महोदय पास करा लेते हैं, कि वह किसी भी सड़क पर मरने

## (श्री जार्ज फरनेन्डोज)

वाले आदमी के बारे में रिपोर्ट करे कि हमारे सामने यह आदमी मर गया। जहां वह आदमी काम करता है वहां अगर कोई बच्चा पैदा होता है तो उस का फर्ज होगा कि वह उस की रिपोर्ट करे।

मैं चाहूंगा कि मंत्री महोदय थोड़ा समय लें और अगर इस को लिखने में कहीं कोई गलती है तो वह उस गलती को दुरुस्त करें। मेरा और कोई झगड़ा उन से नहीं है। इस का जो कन्ट्रिब्यूशन है वह गलत है। उस से गलत फहमी हो सकती है और किसी गरीब आदमी को परेशान करने के लिये इस को इस्तेमाल किया जा सकता है। कानून बनाते समय इस तरह की बेवकूफी नहीं की जानी चाहिये। आप सदन में कोरम भले ही नहीं रख सकते हैं लेकिन अक्ल तो अपने साथ रखें, जिस से किसी गरीब आदमी को परेशानी नहीं हो। चूकि म्यूनिसिपैलिटी का झाड़ वाला सामाजिक दृष्टि से, शैक्षणिक दृष्टि से और आर्थिक दृष्टि से देश का सब से गरीब और पिछड़ा हुआ आदमी है, इस लिये अगर आप ऐसे आदमी को इस कानून के मुताबिक परेशानी में डालने के लिये जायेंगे तो इस को कोई बर्दाश्त नहीं कर सकेगा। इस लिये मेरी प्रार्थना है कि मंत्री महोदय मेहरबानी कर के इस को दुरुस्त करें और उस के बाद इस क्लॉज को सदन के सामने रखें।

श्री भोला राउत (बगहा) : वर्किंग अवर्स में झाड़वाले बतला सकेंगे लेकिन जब वर्किंग अवर्स नहीं रहेंगे तब वह कैसे बतला सकेंगे। यह उन के साथ ज्यादाती हो रही है।

श्री जार्ज फरनेन्डोज : इस कानून के मुताबिक मंत्री महोदय कर रहे हैं।

श्री श्रीचन्द्र गोयल : मुझे इस संशोधन के पक्ष में बड़े जोरो से आप की सेवा में निवेदन करना है कि जहां तक इस के सब-क्लॉज 1 और 3 का सम्बन्ध है उस में यह बात बतलाई जाती है कि वह व्यक्ति जिस को यह सचना देनी थी, उस समय उपस्थित

होगा। लेकिन जहां तक सब-क्लॉज 2 का सम्बन्ध है, आप देख लीजिये कि :

"the sweeper in a municipality, panchayat or other local authority".

जहां तक प्रश्न पहले सब-क्लॉज का है :

"the midwife or any other medical or health attendant at a birth or death".

SHRI GEORGE FERNANDES : Let any ICS officer report it.

SHRI SHRI CHAND GOYAL : That presumes that, he was present at the time of birth or death. In that case only it becomes incumbent upon him to furnish that information.

Similarly, in sub-sub-clause (iii) it says :—

"the keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place".

That means, it presumes that those persons are present at the time of birth or death. But so far as this sub-sub-clause is concerned the words "who is present" are not there. So, Shri Fernandes is right when he says that the provision of this sub-sub-clause fastens the responsibility on the entire sweeping staff of a municipality or a panchayat and whoever is found inconvenient to the staff of a municipality, will be proceeded against under the provisions of this Bill. They will try to weak vengeance on him under the provisions of this Bill. So, it must be qualified to say that it will be the duty only of a sweeper who was present at the time of birth or death and not of others.

Sir, with you in the Chair who understands legal subtleties and niceties of law, I think, you will not permit this clause to be passed as it is and, I hope, the Minister concerned will also agree to this amendment, that is, to add the words the sweeper in a municipality, panchayat or other local authority whoever is present at the time of death or birth". At least those words must be added.

MR. CHAIRMAN : It is for the House to accept or reject it. It is not the duty of the Chair to rule it out of order.

**SHRI HIMATSINGKA :** Sir, if you read sub-clause (1), it says :

"It shall be the duty of—

\* \* \* \* \*

to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed...."

I think, this applies to all the sub-clauses (i), (ii), (iii) and (iv). The duty cast is only on those when he or she attended or was present or which occurred in such areas to be prescribed. Otherwise, he will have no obligation unless he or she was present.

17.22 hrs.

[MR. DEPUTY SPEAKER in the Chair]

श्री ओम प्रकाश त्यागी (मुरादाबाद) : समझ में नहीं आता है कि इस में जबदस्ती स्वीपर को क्यों ला कर घसीटा गया है। मैं उस बात की ओर इशारा करना चाहता हूँ कि जिस की वजह से यहां ला कर जबदस्ती स्वीपर को घसीटा गया है। भारतवर्ष में पहले से यह परम्परा रही है कि आम तौर पर देहातों में जो मेहतरानी होती थी वही बच्चा जनने का काम करती थी। लेकिन आज ऐसी बात नहीं है। जानवरों के बारे में भी यह प्रथा थी कि मेहतर उठा कर मरे हुए पशु को फेंके लेकिन आदमी के बारे में नहीं है। कौन किस के घर में मर गया, कौन पैदा हुआ, यह सब काम तो आज कल अस्पतालों में नर्सों वगैरह के द्वारा होता है। स्वीपर का डायरेक्ट इससे कोई सम्बन्ध नहीं है। न मरने से है, और न ही पैदा होने से है। अगर इसका सम्बन्ध है तो वह सम्बन्ध पूरे समाज से है। मैं समझता हूँ कि इस में स्वीपर का नाम लेने का मतलब यह है कि आप एक जाति विशेष का अपमान करना चाहते हैं। मैं समझता हूँ कि यह बिल्कुल गलत बात है। ड्यूटी पर तो सभी व्यक्ति रहते हैं। स्कूल का मास्टर भी होता है, चौकीदार भी होता है और भी सरकारी कर्मचारी हो सकते

हैं। अगर सम्बन्ध है तो यह चीज सब कर्म-चारियों पर लागू होनी चाहिए। लेकिन यहां स्वीपर पर ही खास तौर से इसको लागू किया गया है !

मैं समझता हूँ कि वैसे ही भारत में सब से ज्यादा अपमानित, सब से गिरी हुई और बुरी अवस्था में अगर कोई इस वक्त जाति है तो वह स्वोर्ज की जाति है, बाल्मीकियों की जाति है। उसका उद्धार करने से तो आप रहें। उसको अपमानित करने के लिए एक यह क्लॉज और ला कर इस में रख दी गई है। मैं समझता हूँ कि यह क्लॉज तो समुची जाति का अपमान है और इस हाउस का भी है। लोक सभा इस बात की प्रतिक्षा कर चुकी है कि हम जो दलित वर्ग हैं, जो दलित लोग हैं उनका उद्धार करना चाहते हैं। इस भावना के भी यह क्लॉज खिलाफ जाती है। इस वास्ते इस स्वीपर वाली क्लॉज को तो निकाल ही देना चाहिये।

**SHRI R. D. BHANDARE (Bombay Central) :** I think there is some misunderstanding in understanding or interpreting this clause. This clause speaks of knowledge, that is, whoever has the knowledge, whoever is present at the time of birth or death, must give information. I quite appreciate the sentiments expressed so far as the use of the word 'sweeper' is concerned. I presume that the word 'Sweeper' is not taken as a caste or as a class here.

श्री ओम प्रकाश त्यागी : स्वीपर का नाम क्यों है। पैदा होने से, मरने से स्वीपर का क्या सम्बन्ध है ?

**SHRI R. D. BHANDARE :** It is a question of knowledge only. This was the point that I wanted to place before the House.

**SHRI K. S. RAMASWAMY :** I am very sorry, this Clause has been misunderstood, especially when it concerns—sweepers. All our sympathies are with them. We extend all our sympathies to them.... (Interruptions) I will just explain this to the satisfaction of the hon. members. Here it is said :



[Shri K. S. Ramaswamy]

"...to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed...."

So, it has to be prescribed by rules. We have to frame the rules and while framing the rules, we shall take into account the views expressed by the hon. members.

श्री ओम प्रकाश त्यागी : पैदा होने से, मरने से स्वीपर का क्या सम्बन्ध है ?

MR. DEPUTY SPEAKER : As Prof. Bhandare pointed out, there is nothing wrong because it concerns giving information, but the word, 'sweeper', in our country refers to a particular class or caste. Therefore, that sentiment is being expressed. You can substitute it by some other word. Because the word 'sweeper' refers to a caste in our country, the sentiment is being expressed. Can you find out some substitute for that word ?

श्री रवि राय पुरी : इसको एमेंड करके कल लायें ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : May I say that this Bill has been pending before the Parliament for the last five years ? It lapsed before the General Elections. This is a non-controversial Bill. Everybody accepts that this is necessary. We are anxious to remove all the lacunae in it and we have removed a good many of them. As far as this particular matter is concerned, as my colleague pointed out and as Prof. Bhandare pointed out, it is merely a question of knowledge here. Secondly, this clause will apply to such areas as may be prescribed. So, we have to make the rules. Only after the rules have been framed, under such rules the duties or obligations under this Clause will originate; otherwise, this will not arise. While we make the rules, we shall take into consideration the view expressed.... (Interruptions)

एक माननीय सदस्य : सेंटिमेंट्स का प्रश्न नहीं है ।

श्री जार्ज फरनेंडीज : कानून पास हो जायगा तो रूलज में क्या रहेगा ?

MR. DEPUTY-SPEAKER : There is no desire to hurt the sentiments of any community.

SHRI VIDYA CHARAN SHUKLA : As far as this word 'sweeper' is concerned, I agree that a better word could have been used. I am not saying that this is a very desirable word or that this is the ideal word. You all know the procedure. This Bill has been passed by the Rajya Sabha and if we make an amendment here, it has to go again to the Rajya Sabha because if we make any difference in the Bill which has been passed by the Rajya Sabha, it has to go again to the Rajya Sabha. That means that it will take some more time. We have already taken such a long time. So, I would request the House to ignore this and pass it as such. Whenever we have to come to the hon. House again for any amendment, then we can amend this, we can remove this word and put something else here.... (Interruptions)

MR. DEPUTY-SPEAKER : Mr. Shukla has now explained. There is no desire to hurt the feelings of any member of the House or of any community. While framing the rules, they will make it in such a manner.... (Interruptions)

SHRI GEORGE FERNANDES : No, no.

SHRI OM PRAKASH TYAGI : On a point of order....

SHRI DATTATRAYA KUNTE : We should not abdicate our authority.... (Interruptions)

MR. DEPUTY-SPEAKER : There is a point of order. It is 5.30 now. We shall take up the half-an-hour discussion. I would not take the vote in a hurry. We shall take it up tomorrow. Now we shall take up the half-an-hour discussion.

श्री जार्ज फरनेंडीज : आप उन से कहें कि वह इस विधेयक में संशोधन करें ।

MR. DEPUTY-SPEAKER : He is very anxious to satisfy the House. But how to do it without an amendment ? That is the Problem. We will take up the Half-an-Hour discussion now.

**श्री ओम प्रकाश त्यागी :** उपाध्यक्ष महोदय, मेरा पायंट आफ आर्डर मुन लीजिंग।

**श्री रवि राय :** मंत्री महोदय कल इस विधेयक में संशोधन ले कर आये। बिना संशोधन के कैसे काम चलेगा ?

17.30 hrs.

HALF AN HOUR DISCUSSION

VISIT OF KHAN ABDUL GHAFFAR KHAN TO  
INDIA

**श्री प्रकाशवीर शास्त्री (हापुड़) :** उपाध्यक्ष महोदय, मैं इस आध घंटे की चर्चा के माध्यम में उस महान् व्यक्ति की कहानी इस सदन के सामने रखने जा रहा हूँ। जिम को महात्मा गांधी के जीवन-काल में ही हमारे देशवासियों ने सरहदी गांधी या सीमान्त गांधी के नाम से पुकारा। यह कहानी उस व्यक्ति की है, जिम ने गांधीजी के साथ कंधे में कंधा मिला कर देश की अखंडता और स्वतंत्रता के लिए संघर्ष किया। यह चर्चा उस व्यक्ति की है, जिस ने मुस्लिम साम्प्रदायिकता के आगे कभी घुटने नहीं टेके और जो अपने लक्ष्य के लिए स्वतंत्रता के संघर्ष में भी देश में फकीर बना घूमता रहा और देश-विभाजन के बाद भी जिम को पाकिस्तान की जेलों में लगभग पंद्रह वर्ष तक कारावास की यातनायें सहनी पड़ीं। देश की स्वतंत्रता से पूर्व वह व्यक्ति बारह वर्ष तक अंग्रेज की जेलों में रहा और बाद में पंद्रह वर्ष तक पाकिस्तान की जेलों में। जिस व्यक्ति के 27 वर्ष कारावास में व्यतीत हुए, जिस ने अन्त तक भारत-विभाजन का जम कर विरोध किया, इस आध घंटे की चर्चा के माध्यम से मैं उस व्यक्ति की ओर इस सदन और इस सरकार का ध्यान दिलाना चाहता हूँ।

आप को याद होगा कि मुस्लिम लीग के अध्यक्ष मि० जिन्ना, ने जब उन से कहा कि आप कांग्रेस छोड़ कर मुस्लिम लीग में आ जायें, तो आप की मभी इच्छायें पूरी कर दी जायेंगी। उस समय खान अब्दुल गफ्फार खाँ का यह

उत्तर था कि हम पठान हैं और पठान कभी भी किसी प्रलोभन के आगे अपने निर्णय को नहीं बदला करते।

1947 में जिस समय मारे देश में साम्प्रदायिकता की आग लगी हुई थी, उस समय भी उन के प्रान्त, सीमान्त प्रान्त, में बराबर शान्ति बनी रही, इस का बहुत बड़ा श्रेय सरहदी गांधी खान अब्दुल गफ्फार खाँ को है।

अपने जीवन के आखिरी हिस्से में यहां के कुछ व्यक्तियों को लिखे गये पत्रों में और अफगानिस्तान में कुछ व्यक्तियों के साथ हुई बातचीत में खान अब्दुल गफ्फार खाँ ने अपने दिल का दर्द प्रकट किया है। इस समय उन को दो बहुत बड़ी लकलीफें हैं। एक तो उन्होंने यह लिखा है कि जब कांग्रेस को राष्ट्रीय मुसलमानों की आवश्यकता थी, तो उस समय उस को लालकुर्ती दल, सरहदी पठान और खुदाई खिदमतगार आदि याद आने थे, लेकिन जिम समय देश के विभाजन का प्रश्न आया, उस समय किसी ने मुझे से पूछा तक नहीं और जिन्ना और लियाकत अली खाँ के साथ बैठ कर देश का विभाजन स्वीकार कर लिया, इस की मुझे बहुत बड़ी तक्लीफ है।

उन्होंने यह भी लिखा है कि कांग्रेस ने, जो देश के स्वतंत्रता-आन्दोलन का नेतृत्व करती थी, हम से यह वादा किया था कराची कांग्रेस में कि हम पठानों की आजादी की लड़ाई उसी तरह लड़ेंगे, जिस तरह कि हम भारत की स्वतंत्रता की लड़ाई लड़ रहे हैं। लेकिन देश के स्वतंत्र होने और शासन में आने के बाद कांग्रेस अपने पुराने वादे को भूल गई, यह भी एक दुख का विषय है।

मेरी अपनी राय यह है कि भारत सरकार ने पख्तूनों या पठानों का साथ न दे कर उसी प्रकार एक बहुत बड़ी भूल की, जिस प्रकार उस ने तिब्बत के मामले में अपने मुंह पर पट्टी बांध कर की थी।