

(Translation)

SHRI RAM NAGINA MISHRA : Sir, Jungle Party is a notorious and dreaded name in that area and its terror is still reigning there. Will you please say something about it ?

[English]

PROF. MADHU DANDAVATE : Is the Hon. Minister aware of the fact that when the Late Lok Nayak Jayaprakash Narayan undertook an organized campaign especially in the Chambal Valley of Madhya Pradesh, there was a considerable response by way of surrender of the dacoits to the Government ? Many of them were rehabilitated, and it was found that there was a lot of change in their lives. Taking note of this fact, will organized and institutional efforts be made to see this process is still continued and better results obtained with the help of various schemes for rehabilitation ?

SHRI ARUN NEHRU : We will encourage all such attempts.

SHRI E. AYYAPU REDDY : Is the Government aware that some of these dacoits are projected as heroes in films and a section of the Press, with the net result that youngsters are drawn to admire them and support them ? What is the reaction of the Government to these films and the Press; and what are the steps taken by Government to see that these people are not projected as heroes in films as well as a section of the Press ?

PROF. MADHU DANDAVATE : They should be projected as MPs !

SHRI ARUN NEHRU : It is a free Press; we cannot tell them what to do. But we agree with the Hon. Member that the Press should be very objective about this, and not treat them as supermen and so forth.

SHRI E. AYYAPU REDDY : What about films ?

SHRI ARUN NEHRU : I will ask my colleague to look into the matter.

PROF. MADHU DANDAVATE : This question should be answered by Amitabh Bachchan !

Review of Indian Penal Code

*224. **SHRI D.K. NAIKAR :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Indian Penal Code is more than 100 years old;

(b) whether Government propose to bring forward a new legislation codifying offences which are direct result of human behaviour in India, so as to provide justice to the aggrieved; and

(c) if so, when ?

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : (a) Yes, Sir.

(b) There is no such proposal under consideration of the Government.

(c) Does not arise.

SHRI D.K. NAIKAR : It is admitted by the Hon. Minister that the Indian Penal Code is an old one. I would like to bring to his kind notice that it was framed in 1837, to suit the administrative convenience of the then East India Company Government in India before 1858 when the power was taken by the Government of India Act, 1858. These offences do not suit the present changed conditions of the Indian society. Therefore, in view of the changed circumstances in India after independence, whether the Minister is trying to bring a new legislation to replace IPC which is more than 150 year old ?

SHRI S.B. CHAVAN : It is a fact that it is almost 100 year old. But the Hon. Member is aware of the fact that the Law Commission has gone deep into the matter and have submitted their report. Instead of having altogether a new legislation, they have suggested certain amendments. It was in 1971

that the Law Commission had submitted their report. In 1978 the legislation was also drafted. It was passed in Rajya Sabha, but before it could be passed in Lok Sabha, the House was dissolved and the elections were called; and that is why, this could not get through in Lok Sabha. Thereafter, the entire thing was also again gone into by a Cabinet Committee and a number of suggestions were also made by the State Governments. Thereafter, there was a National Police Commission which had also gone into this matter. They have also submitted their recommendations. The whole thing is now ready and it is under examination at the advanced stage.

SHRI D.K. NAIKAR : My request was not to bring an amendment to the offences; where it was required and suggested by the Law Commission. I was also appointed as the Chairman of the Joint Committee which was constituted to bring about certain amendments to the chapter on rape and allied offences. The present position of the criminal law is that there is no social justice under the present offences because only punishment alone is not sufficient. Secondly, in the case of murder and other offences, a revengeful attitude is taken. The main purpose of the social justice has been lost. Punishment to an accused is not the real justice to the aggrieved party. Therefore, in view of the social justice, which is the aim to be achieved after independence, is the Minister still thinking to replace the Indian Penal Code to give social justice to this country ?

SHRI S.B. CHAVAN : I have not been exactly able to follow as to what the Hon. Member has in view. Does he want to suggest doing social justice to the criminal ? Of course, victim is a different matter. But, so far as criminals are concerned, the basic approach remains unaltered. I don't think that there is any point in saying that the basic approach has to be changed drastically. Of course, the main thing has been taken into account by the Law Commission. Some of the changes are required because changed circumstances have also been taken into account by the Joint Committee appointed consisting of members of both the Houses, and thereafter the Cabinet Committee is also considering all the aspects of this question. I don't think that there is any point in having a new legislation at all.

SHRI MULLAPPALLY RAMA-CHANDRAN : Will the Government consider abolishing capital punishment by bringing about suitable changes in the Indian Penal Code ?

SHRI S.B. CHAVAN : When that draft legislation comes before the House, the Hon. Member will be able to know as to what are the changes effected.

**Infiltration of foreigners across
Indo-Pak Borders in Kutch**

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*225. **SHRI MAHENDRA SINGH :**
SHRI ANAND SINGH :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether large scale infiltration of foreigners from across the Indo-Pak borders in Kutch has been noticed in recent months;

(b) if so, number of such infiltrators during the period since January, 1985 and the total number of aliens who may have successfully infiltrated across the borders during the period; and

(c) the effective steps taken by Government to prevent and apprehend such infiltration ?

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : (a) and (b). No large scale infiltration of foreigners across Indo-Pak borders in Kutch has come to the notice of Government. 28 infiltrators were apprehended since January 1985 by the BSF out of which 27 were aliens.

(c) Constant vigil is maintained by BSF and other security agencies. Joint ambushes, raids and patrols with the local police and other preventive agencies are organised by the BSF. A few border out-posts have been located at strategic points. Observation towers have been erected to watch movement of infiltrators.