

Regularisation of services of daily wage workers

*218. **SHRI DAYA RAM SHAKYA:** Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that his Ministry have issued a circular to all Ministries regarding regularisation of services of daily wage workers who have worked for certain period;

(b) if so, what are the conditions and periods of service required for regularisation in the various Departments of Government of India;

(c) whether the employees who have worked on daily wages for more than 250 days are entitled for regularisation of their services in various Departments of Government of India; and

(d) if so, what is the procedure in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH):

(a) Instructions have been issued to all the Ministries/Departments for appointment of daily wage workers, who fulfil the prescribed eligibility conditions against regular Group 'D' vacancies.

(b) & (c): The eligibility conditions for appointment of daily wage workers against Group 'D' posts are given in the Statement.

Statement

Eligibility conditions for appointment of daily wage workers on regular Group 'D' posts.

(1) A daily wage worker should have put in at least 240 days of service as daily wage worker (including broken periods of service) during each of the two preceding years, on the date of regularisation. Broken periods of service rendered as daily wage worker

are taken into account provided that one stretch of service is for more than six months.

(2) A daily wage worker should be eligible in respect of maximum age limit on the date of appointment to the regular post. For this purpose, a daily wage worker is allowed to deduct the period spent by him as daily wage worker from his actual age.

(3) A daily wage worker should possess the educational qualification, prescribed for the post.

Continued repression of weaker Sections

*219. **SHRIMATI MOHSINA KIDWAI:** Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that in spite of all stringent provisions of the Protection of Civil Rights Act, 1955 the harijans, minorities and other depressed classes in the country continue to suffer repression and indignities;

(b) if so, how it is that the Centre still proposes to seek remedies only through State Governments and keep itself almost a silent spectator; and

(c) if not, how many States have conducted any survey and taken action by way of setting up special courts?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA):

(a) The Government are aware that, in spite of the provisions of the Protection of Civil Rights Act, and the measures taken for their implementation, persons whose Civil Rights are covered by the Act continue to suffer repression and indignities.

(b) The Central Government have set up a Special Cell in the Ministry of Home Affairs, which monitors the working of the Protection of Civil Rights Act. The Governments in a number of States, with sizable population of Scheduled Castes, have also

set up Special Cells, for the prompt and effective enforcement of the provisions of the Act. The Government of India have introduced a Centrally Sponsored Scheme for strengthening the machinery for the enforcement of the Act, under which assistance is provided to the State Governments. The more effective implementation of the Act is being vigorously pursued by the Government of India with the State Governments.

(c) The Governments of Gujarat, Karanataka and Kerala have identified certain areas in these States, where disabilities arising out of untouchability are relatively acute, for concentrated attention. On the advise of the Government of India to State Governments, with sizable population of Scheduled Castes, to set up Special Courts for the expeditious disposal of cases under the Protection of Civil Rights Act, the Andhra Pradesh Government have sanctioned the establishment of Special Mobile Courts, to begin with in 5 districts. The matter is being vigorously pursued with other State Governments.

Proposal to Expedite criminal cases

*219-A. SHRI N. E. HORO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there is any plan to take steps immediately to expedite the procedure involved in all criminal cases in courts both at the investigation and trial stages; and

(b) if so, details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH):

(a) & (b): A comprehensive revision of criminal procedure was undertaken as a result of the recommendations made in the 41st report of the Law Commission. The old Code of Criminal Procedure was revised and a new Code—Code of Criminal Procedure 1973—was enacted. This Code was

further amended by the Code of Criminal Procedure (Amendment) Act 1978. The new Code has made several procedural changes with a view to expediting the investigation and trial of cases. Some of the noteworthy changes in the regard are:—

(i) An upper limit of 90 days in respect of offences punishable with death, imprisonment for life and imprisonment for not less than 10 years, and sixty days in respect of other offences has been prescribed for detention of persons in custody during investigation. (The purpose of this is not only to reduce the number of undertrial prisoners, but also to instil a sense of urgency in the minds of investigating officers);

(ii) where an offence is punishable with imprisonment for not less than two years, the investigation can be stopped, if it is not completed within six months.

(iii) Offences punishable with imprisonment upto two years will be tried as summons cases, with a simplified procedure (as against one year under the old Code).

(iv) Summons to witnesses can be served by post.

(v) In petty cases, the accused can plead guilty by post by sending the amount of fine specified in the summons to the Court.

(vi) The procedure in summary trials has been simplified further.

(vii) Committal proceedings in Sessions cases have been abolished.

(viii) The need for oral examination of formal witnesses has been dispensed with.

(ix) Trial can be held in the absence of the accused if he persistently disturbs the proceedings.

(x) The powers of revision against interlocutory orders have been taken away.