

2016

This House deeply expresses its serious concern over the rising incidents of violation of Human Rights in various parts of the country and urges upon the Government to take effective steps to curb the occurrence of such incidents. I am a Member of this House for the last 32 years. I have never seen this House ever had a structured debate on a very important subject pertaining to millions and millions of people of our country. We debated and we raised the issue whenever there was any incident of human rights violation, but there had not been a structured debate on this important subject which is agitating the people of the country. Today, I am raising this subject because I found that even after constitution of National Human Rights Commission in 1993, the number of incidents of violation of human rights has not reduced and it is increasing day-by-day. I have the figures for the last three years where you will find how the number of incidents has increased. In 2006-07, it was around 82,000, next year it increased to approximately one lakh and then it came down slightly to 90,000 but it is still more than the number of incidents that had taken place in 2006-07. You will be surprised to know that in one year, the incidents of custodial death have increased to more than one thousand and so also the cases of murder. The Right to Life is a Human Right and a Fundamental Right. The right to have a decent living is a Fundamental Right. But what is the situation today in our country? A substantial percentage of the population do not have decent living. If one-fourth of the population has to go empty stomach daily even after 65 years of independence, will it be treated as decent living? This is the situation today prevailing in our country. If a substantial percentage of women are suffering from malnutrition, is it a decent living? The Prime Minister had called it a national shame. Lakhs and lakhs of people are living in slums without any amenities, without any facilities in unhygienic condition.

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Once such an instrument is duly executed, the Registration Act allows it to be registered even though the donor may not agree to its registration and upon registration, the gift takes effect from the date of execution. It was further held, that the doctrine that a donor who has left his gift incomplete cannot be compelled to complete it, has no application to a case where the donor, by executing the deed has done all that he needs to do; registration can be effected even without his cooperation. If the interpretation of Section 123 of the Transfer of Property Act and Section 47 of the Registration Act as canvassed by the defendant were to be accepted, it will open the doors for all purchasers of immovable property to avoid payment of stamp duty on the sale deeds and become owners only on the basis of executed unstamped and unregistered sale deed and claim to be unable to pay the stamp duty and have liberty to pay the stamp duty whenever they desire. I may in this regard notice that Section 54 of the Transfer of Property Act pertaining to sales is at par with Sections 122 and 123 of the Act pertaining to gifts. I may in this context also record that per Section 17 of the Indian Stamp Act, 1899, instruments chargeable with stamp duty and executed by any person in India have to be stamped before or at the time of execution and per Section 29 thereof, in the absence of an agreement to the contrary, the expense of providing the proper stamp duty is to be borne, in the case of a conveyance and which would include a gift, by the grantee i.e. donee as the defendant claims to be in the present case. The counsel for the defendant, in rejoinder, contrary to his earlier categorical stand that the defendant is not seeking enforcement of the gift, argued that the suit be put to trial to determine the intention of the parties. It is also argued that it is to be determined in trial, as to who is in possession of the property.