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**SELECT COMMITTEE ON THE ENLARGEMENT OF THE APPELLATE (CRIMINAL) JURISDICTION OF THE SUPREME COURT BILL, 1968 BY SHRI ANAND NARAIN MULLA, M.P.**

**COMPOSITION OF THE COMMITTEE**

**Shri N. C. Chatterjee—Chairman**

**MEMBERS**

2. Shri Krishna Kumar Chatterji
3. Shri C. C. Desai
4. Shri Shivajirao S. Deshmukh
5. Shri Shri Chand Goyal
- \*6. Shri Tulsidas Dasappa
7. Shri S. M. Joshi
8. Shri S. M. Krishna
9. Shri Krishnan Manoharan
10. Shri Vikram Chand Mahajan
11. Shri Bhola Nath Master
12. Shri P. Govinda Menon
13. Shri Bakar Ali Mirza
14. Shri H. N. Mukerjee
15. Shrimati Sharda Mukerjee
16. Shri Anand Narain Mulla
17. Shri K. Ananda Nambiar
18. Shri Mrityunjay Prasad
19. Shri K. Narayana Rao
20. Shri Sheo Narain
21. Shri Tenneti Viswanatham
22. Chaudhuri Randhir Singh

**LEGISLATIVE COUNSEL**

1. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
2. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*
3. Shri H. C. Gupta, *Asstt. Legal Adviser, Ministry of Law.*

**SECRETARIAT**

**Shri M. C. Chawla—Deputy Secretary.**

\*Appointed on the 14th May, 1969 vice Shri K. Harijanthaiya resigned.

## REPORT OF THE SELECT COMMITTEE

1. The Chairman of the Select Committee to which the Bill\* to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters was referred, having been authorised to submit the Report on their behalf, present their Report with the Bill, as amended by the Committee, annexed thereto.

2. The Bill was introduced in Lok Sabha on the 15th November, 1968. The motion for reference of the Bill to a Select Committee was moved in Lok Sabha by Chaudhuri Randhir Singh, M.P. on the 18th April, 1969 which was discussed and adopted on the same day (See Appendix I).

3. The Committee held 7 sittings in all.

4. The first sitting of the Committee was held on the 30th April, 1969 to draw up their future programme of work. The Committee at this sitting decided that a Press Communique be issued advising Bar Councils, Bar Associations, public bodies and individuals, who were desirous of submitting their suggestions|views, to send written memoranda on the Bill for their consideration. The Committee also decided that the State Governments, Union Territories, the Supreme Court of India, all High Courts, Attorney General of India, Advocates General of all the States, all Bar Councils|Bar Associations and some important legal societies|institutes be requested to forward their comments on the provisions of the Bill for the benefit of the Committee.

5. 22 Memoranda|Representations etc. on the Bill were received by the Select Committee from different Government Departments, Associations|individuals mentioned in Appendix II.

6. At their 2nd sitting held on the 14th July, 1969, the Committee decided to hear the evidence of some eminent jurists. At their third sitting held on the 19th July, 1969 the Committee heard the evidence given by Shri A. S. R. Chari, Senior Advocate, Supreme Court of India, New Delhi.

7. The Report of the Committee was to be presented by the first day of the next session i.e. on the 21st July, 1969. As this could not be done, the Committee decided to ask for extension of time for presentation of their Report upto the first day of the Winter Session (1969). Necessary motion was brought before the House and adopted on the 21st July, 1969.

8. The Committee have decided that the evidence given before them should be printed and laid on the Table of the House.

9. The Committee have also decided that the Memoranda|representations etc. submitted by various associations|organisations|Government Departments etc. should be laid on the Table of the House and a copy thereof be placed in Parliament Library for reference by the Members.

10. The Committee considered the Bill clause-by-clause at their 5th and 6th sittings held on the 29th and 30th September, 1969.

11. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

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\*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 15th November, 1968.

(vi)

12. *Clause 2.*—The Committee feel that the right of appeal to the Supreme Court proposed to be given under this clause should be in addition to those provided in Article 134(1) of the Constitution of India. With this end in view and to make it clear, the opening part of this clause has been amended accordingly.

13. *Clause 1 and Enacting Formula.*—Amendments made in these are of drafting nature and formal character.

14. The Committee considered and adopted the Report on the 15th November, 1969.

15. The Select Committee recommend that the Bill, as amended, be passed.

NEW DELHI;  
15th November, 1969.  
24 Kartika, 1891 (Saka).

N. C. CHATTERJEE,  
*Chairman,*  
*Select Committee.*

**Bill No. 81-A of 1968**

**THE ENLARGEMENT OF THE APPELLATE (CRIMINAL)  
JURISDICTION OF THE SUPREME COURT BILL, 1968**

(AS REPORTED BY THE SELECT COMMITTEE)

[Words underlined indicate the amendments suggested by the Committee.]

A

**BILL**

*to enlarge the appellate jurisdiction of the Supreme Court in regard to  
criminal matters.*

BE it enacted by Parliament in the Twentieth Year of the Republic  
of India as follows:—

1. (1) This Act may be called the Supreme Court (Enlargement of  
Criminal Appellate Jurisdiction) Act, 1969.

Short  
title and  
extent.

5 (2) It extends to the whole of India except the State of Jammu and  
Kashmir.

2. Without prejudice to the powers conferred on the Supreme Court  
by clause (1) of article 134 of the Constitution, an appeal shall lie to the  
Supreme Court from any judgment, final order or sentence in a crimi-

Enlarged  
Appellate  
Jurisdic-  
tion of

Supreme  
Court in  
regard to  
criminal  
matters.

nal proceeding of a High Court in the territory of India if the High Court—

(a) has on appeal reversed an order of acquittal of an accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years;

(b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years.

## APPENDIX I

(Vide para 2 of the Report)

### *Motion for reference of the Bill to Select Committee*

“That the Bill to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters by Shri Anand Narain Mulla, be referred to a Select Committee consisting of 22 members, namely:—

- (1) Shri N. C. Chatterjee
- (2) Shri Krishna Kumar Chatterji
- (3) Shri C. C. Desai
- (4) Shri Shivajirao S. Deshmukh
- (5) Shri Shri Chand Goyal
- (6) Shri K. Hanumanthaiya
- (7) Shri S. M. Joshi
- (8) Shri S. M. Krishna
- (9) Shri Krishnan Manoharan
- (10) Shri Vikram Chand Mahajan
- (11) Shri Bhola Nath Master
- (12) Shri P. Govinda Menon
- (13) Shri Bakar Ali Mirza
- (14) Shri H. N. Mukerjee
- (15) Shrimati Sharda Mukerjee
- (16) Shri Anand Narain Mulla
- (17) Shri K. Ananda Nambiar
- (18) Shri Mrityunjay Prasad
- (19) Shri K. Narayana Rao
- (20) Shri Sheo Narain
- (21) Shri Tenneti Viswanatham; and
- (22) Chaudhuri Randhir Singh.

with instructions to report by the first day of the next session.”

**APPENDIX II**  
(Vide para 5 of the Report)

*Statement of Memoranda/Representations received by the Select Committee*

S. No.	Nature of document	From Whom Received	Action Taken
1.	Opinion	Advocate-General for Bihar, Patna	Circulated to Members
2.	Comments	Advocate-General for Punjab, Chandigarh alongwith a copy each of resolutions passed by Bar Council of Punjab and Haryana and Punjab and Haryana Bar Associations	—do—
3.	—do—	Advocate-General for Mysore, Bangalore.	—do—
4.	—do—	High Courts of Jammu and Kashmir	—do—
5.	—do—	Justice S. K. Verma, D. S. Mathur and Hari Swarup of Allahabad High Court	—do—
6.	—do—	High Court of Orissa.	—do—
7.	—do—	Legal Rememberancer, Chandigarh Admn.	—do—
8.	—do—	Administrator, Union Territory of Laccadives.	—do—
9.	—do—	Delhi Administration.	—do—
10.	—do—	Government of Nagaland.	—do—
11.	—do—	Government of Haryana.	—do—
12.	—do—	Bar Council of India.	—do—
13.	—do—	Avadh Bar Association.	—do—
14.	—do—	High Court of Gujarat.	—do—
15.	—do—	High Court of Rajasthan.	—do—
16.	—do—	Hon'ble Judges of the High Court of Judicature at Patna.	—do—
17.	—do—	Delhi High Court.	—do—
18.	—do—	Supreme Court.	—do—
19.	—do—	Government of Tamil Nadu.	—do—
20.	—do—	High Court of Madhya Pradesh.	—do—
21.	—do—	High Court of Madras.	—do—
22.	—do—	Bar Council of Maharashtra.	—do—

### APPENDIX III

MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE ENLARGEMENT  
OF THE APPELLATE (CRIMINAL) JURISDICTION OF THE SUPREME COURT BILL,  
1968

BY SHRI ANAND NARAIN MULLA, M.P.

#### I

#### First Sitting

The Committee sat on Wednesday, the 30th April, 1969 from 16.00  
to 16.45 hrs.

#### PRESENT

Shri N. C. Chatterjee—*Chairman*

#### MEMBERS

2. Shri Krishna Kumar Chatterjee
3. Shri C. C. Desai
4. Shri Shivajirao S. Deshmukh
5. Shri Shri Chand Goyal
6. Shri S. M. Joshi
7. Shri S. M. Krishna
8. Shri Bhola Nath Master
9. Shri P. Govinda Menon
10. Shri Bakar Ali Mirza
11. Shrimati Sharda Mukerjee
12. Shri Anand Narain Mulla
13. Shri K. Ananda Nambiar
14. Shri Mrityunjay Prasad
15. Shri K. Narayana Rao
16. Shri Sheo Narain
17. Shri Tenneti Viswanatham
18. Chaudhuri Randhir Singh

#### REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta, *Addl. Legislative Counsel, Ministry of Law.*
2. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee decided to issue a Press Communique (Annexure 1) inviting memoranda from Bar Councils, Bar Associations, public bodies and individuals on the provisions of the Bill by the 31st May, 1969.

3. The Committee also decided that all State Governments|Union Territories, the Supreme Court, all High Courts, Attorney-General and Advocates-General of all the States, all Bar Councils|Bar Associations|Calcutta Bar Library and some important legal societies|institutes should

be addressed inviting their views on the provisions of the Bill. The Committee approved the draft letter (Annexure II).

4. The Committee desired that the Ministry of Law should furnish a note on the comparative provisions of law with regard to the criminal jurisdiction of the highest court in U.K., U.S.A. and other countries.

5. The Committee decided to sit daily at 15.30 hours from Monday, the 14th July, 1969 for clause-by-clause consideration of the Bill.

6. The Committee further decided that notices of amendments to the Bill, if any, might be sent by the members by Monday, the 30th June, 1969.

7. The Committee then adjourned to sit again at 15.30 hours on Monday, the 14th July, 1969.

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## ANNEXURE I

### LOK SABHA SECRETARIAT

The Select Committee of Lok Sabha on the Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968 by Shri Anand Narain Mulla, M.P. at their first sitting held to-day under the Chairmanship of Shri N. C. Chatterjee, M.P. decided that public bodies, Bar Councils, High Court Bar Associations and individuals desirous of submitting memoranda on the Bill for the consideration of the Committee should send 35 copies of their memorandum so as to reach the Secretary, Lok Sabha Secretariat, Parliament House, New Delhi on or before the 31st May, 1969. The memoranda which might be submitted to the Committee would form part of the records of the Committee and should be treated as strictly confidential and not circulated to anyone, as such an act would constitute a breach of privilege of the Committee.

The Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968, as introduced in Lok Sabha, was published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 15th November, 1968.

NEW DELHI;

*Dated the 30th April, 1969.*

ANNEXURE II

LOK SABHA SECRETARIAT

Parliament House,  
New Delhi-1

No. 15|1|CII|69

May 1, 1969|Vaisakha 11, 1891 (S).

From

Shri M. C. Chawla,  
Deputy Secretary.

To

1. The Chief Secretary, All State Governments|Union Territories
2. The Attorney-General of India, New Delhi.
3. The Advocates-General of All States.
4. The Registrar, Supreme Court|All High Courts.
5. The Secretary, Bar Council of India|Supreme Court Bar Association|All State Bar Councils|All High Court Bar Associations.
6. The Secretary, Indian Law Institute, New Delhi|Indian Institute of Public Administration, New Delhi|Institute of Constitutional and Parliamentary Studies, New Delhi|Indian Society of International Law, New Delhi|Incorporated Law Society, Calcutta|International Commission of Jurists, New Delhi|Bar Library, High Court, Calcutta.

SUBJECT: Select Committee on the Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968, by Shri Anand Narain Mulla, M.P.

Sir,

I am directed to state that the Select Committee of Lok Sabha on the Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968, at their sitting held on the 30th April, 1969, decided that all State Governments|Union Territories, the Supreme Court, High Courts and all Bar Councils| Bar Associations etc. etc. be addressed to send their comments or suggestions, if they so desire, on the provisions of the Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968 for the consideration of the Committee, so as to reach the Secretary, Lok Sabha Secretariat, Parliament House, New Delhi, by the 31st May, 1969 at the latest.

2. The Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968, as introduced in Lok Sabha, was published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 15th

November, 1968. A copy of the Bill is, however, sent herewith for ready reference.

3. In case any comments or suggestions are sent, it is requested that 35 copies thereof may be furnished to this Secretariat for circulation to the Members of the Select Committee.

Yours faithfully,  
M. C. CHAWLA,  
*Deputy Secretary.*

## II

### Second Sitting

The Committee sat on Monday, the 14th July, 1969 from 15.30 to 16.30 hours.

#### PRESENT

Shri N. C. Chatterjee—*Chairman*

#### MEMBERS

2. Shri Krishna Kumar Chatterji
3. Shri C. C. Desai
4. Shri Shri Chand Goyal
5. Shri Vikram Chand Mahajan
6. Shri Bholā Nath Master
7. Shri Bakar Ali Mirza
8. Shri H. N. Mukerjee
9. Shri Anand Narain Mulla
10. Shri K. Ananda Nambiar
11. Shri Mrityunjay Prasad
12. Shri Sheo Narain
13. Shri Tanneti Viswanatham
14. Chaudhuri Randhir Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri K. P. Singh, *Under Secretary.*

## REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta, *Addl. Legislative Counsel, Ministry of Law.*
2. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*

## SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman read out to the Committee the letter dated the 11th July, 1969 received by him from the Minister of Law and Social Welfare, Shri P. Govinda Menon, drawing the attention of the Committee to the principle of the Constitution that the Supreme Court should not be made a regular Court of Criminal Appeal Annexure. After some discussion the Committee decided to consider this aspect of the matter later on after hearing the views of the following witnesses on the provisions of the Bill:

- (i) Shri A. S. R. Chari, Senior Advocate, Supreme Court of India;
- (ii) Shri Nuruddin Ahmed, Bar-at-law, Senior Advocate, Supreme Court of India.

The Chairman then permitted Shri Mohammad Yunus Saleem, Deputy Minister of Law to address the Committee under Rule 299 of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee desired that the following information might be made available to them by the Ministry of Law:

- (a) How many appeals were filed before the High Courts throughout the Country against the orders of acquittal passed by the Trial or the Appellate Courts from the 1st January, 1968 to 31st December, 1968;
- (b) In how many appeals the order of acquittal was set aside during the same period by the various High Courts; and
- (c) In how many cases covered by (b) above, a sentence of Death was inflicted and in how many cases a sentence of life imprisonment was awarded.

4. The Committee also decided to seek an extension of time for presentation of their Report by the first day of Winter Session (1969) of the Lok Sabha as it would not be possible for them to consider all aspects of the Bill in the short time at their disposal and present their Report by the first day of the ensuing session i.e. the 21st July, 1969. The Committee authorised the Chairman and in his absence, Shri Shri Chand Goyal, M.P. to move necessary motion in the House to that effect.

5. The Committee then adjourned to meet again on Saturday, the 19th July, 1969 at 16.00 hours to hear oral evidence of the witnesses referred to in Para 2 *ibid.*

## ANNEXURE

(Vide para 2 of the Minutes of the second sitting of the Select Committee)

D.O.F. 42(1) 685

P. GOVINDA MENON

(SEAL)

MINISTER OF LAW  
AND SOCIAL WELFARE,  
INDIA.

New Delhi,  
the 11th July, 1969.

Dear Shri Chatterji,

REF:—*Sitting of the Select Committee of the Lok Sabha on 14-7-1969 at 3.30 P.M. for considering the Enlargement of the Appellate (Criminal) Jurisdiction of Supreme Court Bill, 1968, moved by Shri A. N. Mulla.*

I am in agreement with the mover of the Bill that an appeal should lie as of right to an accused in cases falling under Article 134(1) (a) and (b) of the Constitution not only where the High Court sentences him to death but also where the sentence is for imprisonment for life.

2. If the Bill, as introduced, is passed with the provision for regular appeals in cases where the sentence is one for ten years or more, there will be a phenomenally large number of cases in which the Supreme Court will become a regular court of criminal appeal. I do not know whether you have thought about this aspect of the matter. A reference to the Penal Code will reveal that the Code provides for sentences of ten years and more for 87 various offences. A list of such offences is herewith appended.\*

3. It is not the policy of our Constitution to make the Supreme Court a regular Court of Criminal Appeal. Article 134(2) is also suggestive of principle that criminal appeals to the Supreme Court should be appropriately restricted.

4. If failure of justice is occasioned by judgments of the High Courts where sentences lighter than imprisonment for life are meted out, I presume that the provisions contained in Article 134(1) (c) and Article 136 would afford adequate remedy.

5. I regret that I am unable to attend the meeting of the Select Committee on the 14th. I have already spoken to you. No discourtesy to you or any Member of the Committee is meant. I trust that you would explain my view point to the Committee.

Thanking you,

Yours sincerely,

Shri N. C. Chatterji,

Sd/- P. GOVINDA MENON

Chairman, Select Committee of Lok Sabha,

Parliament House, New Delhi.

\*Already circulated separately.

## III

## Third Sitting

The Committee sat on Saturday, the 19th July, 1969 from 16.00 to 17.30 hours.

## PRESENT

Shri N. C. Chatterjee—*Chairman*

## MEMBERS

2. Shri Shri Chand Goyal
3. Shri Tulsidas Dasappa
4. Shri Vikram Chand Mahajan
5. Shri Bhola Nath Master
6. Shri P. Govinda Menon
7. Shri Bakar Ali Mirza
8. Shri Anand Narain Mulla
9. Shri K. Ananda Nambiar
10. Shri Mrityunjay Prasad
11. Shri Sheo Narain

## REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
2. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*

## SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. Before the Committee proceeded to hear the evidence of Shri A. S. R. Chari, Senior Advocate, Supreme Court of India, New Delhi, the Chairman drew his attention to Direction 58 of the Directions by the Speaker.

3. A verbatim record of evidence was kept.

The Committee then adjourned.

## IV

## Fourth Sitting

The Committee sat on Tuesday, the 26th August, 1969 from 16.15 to 16.50 hours.

## PRESENT

Shri N. C. Chatterjee—*Chairman*

## MEMBERS

2. Shri Krishna Kumar Chatterji
3. Shri C. C. Desai

4. Shri Shri Chand Goyal
5. Shri Tulsidas Dasappa
6. Shri S. M. Krishna
7. Shri Vikram Chand Mahajan
8. Shri Bholu Nath Master
9. Shri P. Govinda Menon
10. Shri H. N. Mukerjee
11. Shrimati Sharda Mukerjee
12. Shri Anand Narain Mulla
13. Shri Mrityunjay Prasad
14. Shri K. Narayana Rao
15. Shri Sheo Narain
16. Shri Tenneti Viswanatham
17. Chaudhuri Randhir Singh

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
2. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*
3. Shri H. C. Gupta, *Asstt. Legal Adviser, Ministry of Law.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. In the absence of the Chairman, who was held up at the sitting of the Committee of Privileges, the Committee chose Shri Sheo Narain to act as Chairman for the sitting in terms of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee discussed in passing the various implications of the proposed measure in the context of Articles 134 and 136 of the Constitution. The Law Minister informed the Committee that the Law Commission had almost concluded its revision of the Code of Criminal Procedure and one of their recommendations likely to be made related to the right of appeal to the Supreme Court in cases where an order of acquittal had been reversed by the High Court and the High Court had convicted the accused to life imprisonment. He suggested that it would be for the Committee to decide whether or not to proceed with the present Bill in the light of the Law Commission's Report. He assured the Committee that the Law Commission's Report would be carefully considered by the Government and suitable legislation seeking to implement its recommendation by amending the Code of Criminal Procedure would be brought up before Parliament.

[At this stage Shri N. C. Chatterji took the Chair]

4. The Committee then discussed their future programme and decided to sit at 9.30 hours daily on the 29th and 30th September, 1969 to take up clause-by-clause consideration of the Bill. It was also decided that Government should make available to the Committee their amendments,

if any, by the 8th September, 1969 and Members might send their notices of amendments, if any, by the 19th September, 1969.

5. The Committee then adjourned.

V

**Fifth Sitting**

The Committee sat on Monday, the 29th September, 1969 from 09.30 to 10.45 hours.

PRESENT

Shri N. C. Chatterjee—*Chairman*

MEMBERS

2. Shri Krishna Kumar Chatterji
3. Shri C. C. Desai
4. Shri Shivajirao S. Deshmukh
5. Shri Shri Chand Goyal
6. Shri Tulsidas Dasappa
7. Shri Vikram Chand Mahajan
8. Shri Bakar Ali Mirza
9. Shri H. N. Mukerjee
10. Shrimati Sharda Mukerjee
11. Shri Anand Narain Mulla
12. Shri Mrityunjay Prasad
13. Shri K. Ananda Nambiar
14. Shri Sheo Narain
15. Shri Tenneti Viswanatham

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
2. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*
3. Shri H. C. Gupta, *Asstt. Legal Adviser, Ministry of Law.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee were informed that the Minister of Law, who had gone to Bombay, was unable to return today morning. In the absence of the Minister, the Committee held a general discussion on the Amendments given notice of by the Minister. It was decided that a copy of today's proceedings should be forwarded to the Law Minister so that he could apprise the Committee of his reaction to the various views put forth by the members in this behalf before they took up clause-by-clause consideration of the Bill at their sitting to be held tomorrow.

3. The Committee then adjourned till 10.00 hours on Tuesday, the 30th September, 1969.

## Sixth Sitting

The Committee sat on Tuesday, the 30th September, 1969 from 10.00 to 11.50 hours.

## PRESENT

Shri N. C. Chatterjee—*Chairman*

## MEMBERS

2. Shri C. C. Desai
3. Shri Shivajirao S. Deshmukh
4. Shri Shri Chand Goyal
5. Shri Tulsidas Dasappa
6. Shri S. M. Krishna
7. Shri P. Govinda Menon
8. Shri Bakar Ali Mirza
9. Shrimati Sharda Mukerjee
10. Shri Anand Narain Mulla
11. Shri K. Ananda Nambiar
12. Shri Mrityunjay Prasad
13. Shri K. Narayana Rao
14. Shri Sheo Narain
15. Shri Tenneti Viswanatham

## REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. M. Bakshi, *Joint Secretary and Legal Adviser, Ministry of Law.*
2. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
3. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*
4. Shri H. C. Gupta, *Asstt. Legal Adviser, Ministry of Law.*

## SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee resumed further discussion on the Amendments to the Bill given notice of by the Minister of Law and heard the views of the Minister thereon. The Minister *inter alia* explained that in view of the Report of the Law Commission on the revision of the Code of Criminal Procedure in which suitable provision on the subject matter of the Bill had been recommended, no useful purpose will be served by processing the Bill any further. He requested the mover to withdraw

the Bill. The consensus of opinion of the members was that it was too late at this stage to withdraw the Bill and that having deliberated considerably, they should better go ahead with this. The mover, however, did not agree to the suggestion to withdraw the Bill.

3. The Committee then took up clause-by-clause consideration of the Bill.

4. *Clause 2.*—(i) The following amendment was accepted:—

Page 2, line 1,

for "An appeal shall lie to the Supreme Court",

substitute "Without prejudice to the powers conferred on the Supreme Court by clause (1) of article 134 of the Constitution, an appeal shall lie to the Supreme Court";

(ii) The following amendments tabled by the Minister of Law were not accepted:—

(a) Page 2, lines 5-6,

omit "or imprisonment which extends to ten years or more than ten years".

(b) Page 2, lines 10-11,

omit "or imprisonment which extends to ten years or more than ten years".

The Law Minister agreed with the mover of the Bill that where the High Court had "on appeal reversed an order of acquittal of an accused person and sentenced him to imprisonment for life", an appeal might lie. He was also agreeable that where the High Court "has withdrawn for trial before itself any case from any court subordinate to its authority, and has in such trial convicted the accused person and sentenced him to imprisonment for life", then also an appeal might lie to the Supreme Court. He was not agreeable to confer right of appeal where the sentence was for any period less than for life in either of those cases.

Clause 2, as amended, was adopted.

5. *Clause 1.*—The following amendment was accepted:—

Page 1, for lines 3-4,

substitute "(1) This Act may be called the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1969."

Clause 1, as amended, was adopted.

6. *Enacting Formula.*—The following amendment was accepted:—

Page 1, line 1,

for "Nineteenth" substitute "Twentieth"

The Enacting Formula, as amended, was adopted.

7. *Long Title.*—The Long title was adopted without any amendment.

8. The Committee authorised the Legislative Counsel to correct patent errors and to carry out amendments of consequential and drafting nature in the Bill and to submit attested copies thereof, as amended.

9. The Committee decided that the evidence given before them should be printed and laid on the Table of the House.

10. The Committee further decided that the Memoranda received by them on the Bill should be laid on the Table of the House and also be placed in the Parliament Library for reference by the Members.

11. The Chairman then drew the attention of the Committee to the provisions of Direction 87 of the Directions by the Speaker under the Rules of Procedure regarding Minutes of Dissent and also announced that the Members could give their Minutes of Dissent, if any, by 10.00 hours on Monday, the 17th November, 1969.

12. The Committee decided to sit again at 16.00 hours on the 15th November, 1969 to consider the draft Bill.

13. The Committee then adjourned.

## VII

### Seventh Sitting

The Committee sat on Saturday, the 15th November, 1969 to 16.45 hours.

#### PRESENT

Shri N. C. Chatterjee—*Chairman*

#### MEMBERS

2. Shri Krishna Kumar Chatterji
3. Shri Shivajirao S. Deshmukh
4. Shri Tulsidas Dasappa
5. Shri Vikram Chand Mahajan
6. Shri Bhola Nath Master
7. Shri P. Govinda Menon
8. Shri Bakar Ali Mirza
9. Shri H. N. Mukerjee
10. Shri Anand Narain Mulla
11. Shri Mrityunjay Prasad
12. Shri Sheo Narain
13. Shri Tenneti Viswanatham

#### REPRESENTATIVES OF THE MINISTRIES

1. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
2. Shri Dalip Singh, *Deputy Legal Adviser.*

SECRETARIAT

Shri M. C. Chawla—Deputy Secretary.

2. The Committee considered the Bill as amended and adopted it.
  3. The Committee then considered the draft Report and adopted it without any amendment.
  4. The Chairman announced that the Report of the Committee would be presented to Lok Sabha on the 17th November, 1969.
  5. The Chairman also announced that the Minutes of Dissent, if any, by Members might be sent to the Lok Sabha Secretariat by 10.00 hours on Monday, the 17th November, 1969. Members were requested to send copies of their Minutes of Dissent, if possible.
- not ab...tee authorised the Chairman and, in his absence, Shri
- (a) Page 2, lines 1 to present the Report and to lay a copy of the  
omit "or im...t of Memoranda/representations received by the Com-  
ten ya...ble of the House on the 17th November, 1969.
- (b) Page...ommittee then adjourned.
- omit