

PARLIAMENT OF INDIA
RAJYA SABHA

THE INDIAN PENAL CODE
(AMENDMENT) BILL, 1972

REPORT OF THE JOINT COMMITTEE

(Presented on the 29th January, 1976)



RAJYA SABHA SECRETARIAT
NEW DELHI
January, 1976

RAJYA SABHA

E_R_R_A_T_A

The Indian Penal Code (Amendment) Bill, 1972
(Report of the Joint Committee)

1. Page iv, line 3, for "following the" read "following be"
2. Page v, for lines 36-37, read "The Committee has made verbal changes in the clause to cover also matters expressed, described or recorded by means of "images" or"
3. Page vii, line 39, for "(public cenure) should also appl" read "(public censure) should also apply".
4. Page viii, line 12, for "redued this priod" read "reduced this period".
5. Page x, - (i) line 14, for "responible" read "responsible"
(ii) line 37, for "exchanged" read "excluded"
6. Page xiii, line 16, for "death or" read "death of or"
7. Page xvii, line 36, for "42C" read "420C"
8. Page xviii, lines 14-15, for "classifying" read "clarifying"
9. Page xxii, line 12, for "bloves" read "gloves"
10. Page xxiii, line 11, for "this Law" read "this Law is"
11. Page xxiv, line 4, for "known" read "now known"
12. Page xxv, line 28, for "364A or" read "364A of"
13. Page 14, line 40, for "proponderance" read "preponderance"
14. Page 18, lines 44-45, for "Comentioning" read "to C mentioning"
15. Page 41, line 38, for "Gover-ment" read "Government"
16. Page 54, line 2, for "ablso" read "also"
17. Page 55, line 22, for "anying" read "any"
18. Page 56, line 26, for "ctxend" read "extend"
19. Page 59, line 30, for "wrongfully" read "wrongfully"

New Delhi;
January 29, 1976.

CONTENTS

| | PAGES |
|--|-----------|
| 1. Composition of the Joint Committee | i-ii |
| 2. Report of the Joint Committee | iii—xx |
| 3. Minutes of Dissent | xxi—xxxii |
| 4. Bills amended by the Joint Committee | 1—67 |
| 5. Appendices— | |
| I. Motion in the Rajya Sabha for reference of the Bill to a Joint Committee | 69 |
| II. Motion in the Lok Sabha | 70 |
| III. List of persons from whom memoranda on the subject matter of the Bill etc. were received by the Joint Committee | 71—78 |
| IV. List of witnesses who tendered oral evidence before the Joint Committee | 79—84 |
| V. Minutes of the meetings of the Joint Committee | 85—254 |

COMPOSITION OF THE JOINT COMMITTEE OF THE INDIAN
PENAL CODE (AMENDMENT) BILL, 1972

*Shri Yogendra Sharma—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shri Anand Narain Mulla
6. Shri Vithal Gadgil
7. Shrimati Sumitra G. Kulkarni
8. Shri V. V. Swaminathan
9. Shri Shyam Lal Yadav
- **10. Shri Jagdish Joshi
- **11. Shri Nathi Singh
- **12. Shri Kalp Nath
- **13. Shri K. P. Singh Deo
- **14. Shri Veerendra Patil
- ***15. Shri Ram Niwas Mirdha

Lok Sabha

16. Shri P. Ankineedu Prasadarao
17. Shri Banamali Babu
18. Shri R. V. Bade
19. Shri H. K. L. Bhagat
- @20. Shri Muhammed Khuda Bukhsh
21. Shri B. E. Choudhari
22. Shri Khemchandbhai Chavda
23. Shri Madhu Dandavate

*Appointed as Member and Chairman of the Committee on the 8th and 9th May, 1974 respectively *vice* Shri Ram Sahai retired from the Membership of the Rajya Sabha on the 2nd April, 1974.

**Appointed on the 8th May, 1974 in the vacancies caused by the retirement of S/Shri M. Ruthnaswamy, Suraj Prasad, Syed Ahmed and M. Srinivasa Reddy from the Membership of the Rajya Sabha on the 2nd April, 1974 and resignation of Shri Syed Hussain from the Rajya Sabha w.e.f. the 5th March, 1974.

***Ceased to be Member of the Committee consequent on retirement from the Membership of the Rajya Sabha on the 2nd April, 1974. Reappointed on the 8th May, 1974 on being re-elected as a Member.

@Expired on the 24th July 1975.

24. Shri G. C. Dixit
25. Shri Tarun Gogoi
26. Shri Dinesh Joarder
27. Shri Z. M. Kahandole
28. Shri G. Y. Krishnan
29. Shri Yamuna Prasad Mandal
30. Shri Piloo Mody
31. Shri F. H. Mohsin
32. Shri Niti Raj Singh Chaudhury
33. Shri D. K. Panda
34. Shri R. Balakrishna Pillai
35. Choudhury Ram Sewak
36. Shri K. Narayana Rao
37. Shri M. Satyanarayan Rao
38. Shri Vayalar Ravi
39. Shri Shanker Rao Savant
40. Shri Shambhu Nath
41. Shri B. R. Shukla
42. Shri Ram Shekhar Prasad Singh
43. Shri S. N. Singh
44. Shri G. Viswanathan
45. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which the Bill* further to amend the Indian Penal Code was referred, having been authorised to submit the report on its behalf, present this Report of the Joint Committee, with the Bill, as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 11th December, 1972.

3. The motion for reference of the Bill to the Joint Committee of the Houses was moved in the Rajya Sabha by Shri Ram Niwas Mirdha, the then Minister of State in the Ministry of Home Affairs, on the 14th December, 1972 and was adopted by the House on the same day (Appendix I).

4. The Lok Sabha concurred in the motion of the Rajya Sabha at its sitting held on the 21st December, 1972 (Appendix II). The Message from the Lok Sabha was reported to the Rajya Sabha on the 22nd December, 1972.

5. The Report of the Committee was to be presented to the House by the first day of the last week of the Eighty-sixth Session (1973) of the Rajya Sabha. The Committee was, however, granted extension of time first upto the first day of the last week of the Eighty-ninth Session, 1974 then upto the last day of the second week of the Ninety-first (Budget) Session, 1975, again upto the last day of the second week of the Ninety-third Session, 1975 and last upto the last day of the Ninety-fourth Session of the Rajya Sabha.

6. The Committee held 97 sittings (Appendix V). Out of these sittings the following sittings were held outside with the permission of the Chairman, Rajya Sabha, for hearing oral evidence on the various provisions of the Bill—5 sittings (on the 30th and 31st May, and 1st, 2nd and 4th June, 1973) were held at Bombay; 3 sittings (from the 14th to 16th June, 1973) at Bangalore; 4 sittings (from the 2nd to 5th July, 1973) at Lucknow; 4 sittings (on the 1st, 2nd, 4th and 5th February, 1974) at Eranakulam; and 5 sittings (from the 10th to 14th June, 1974) at Shillong. The rest of the sittings were held in Parliament House, New Delhi.

7. At its first sitting held on the 23rd December, 1972, the Committee decided that a Press Communique be issued inviting opinions by the 22nd January, 1973 from various individuals, associations, organisations, including trade unions, trade organisations, district bar associations and political parties, interested in the subject-matter of the Bill. The date for submission of the Memoranda was subsequently extended upto the 15th April, 1973 by the Committee at its sitting held on the 31st January, 1973. The Chairman requested Members to suggest names

*Published in the Gazette of India, Extraordinary Part II, Section 2, dated the 11th December, 1972.

of persons/associations whom they would like to be considered for being invited to tender oral evidence before the Committee. Besides, the Committee directed that the following the approached for giving their views on the subject-matter of the Bill, namely:—

- (i) Indian Law Institute.
- (ii) Attorney-General of India.
- (iii) Solicitor General and Additional Solicitor General.
- (iv) Advocates-General of States.
- (v) Supreme Court of India and High Courts.
- (vi) Bar Council of India and State Bar Councils.
- (vii) Bar Association of India, Supreme Court Bar Association and Bar Associations at the High Court level.
- (viii) Bar Associations at the district level in all the States and Union territories.
- (ix) Deans of Law Faculties in various Universities.
- (x) State Governments and Union territories.
- (xi) Shri M. C. Setalvad and Shri C. K. Daphtary.

8. The Committee also decided to invite witnesses for the purpose of tendering oral evidence on the Bill and authorised the Chairman to decide, after examining all the memoranda, as to who should be invited for the purpose.

9. To facilitate the work of the Committee, a questionnaire* was issued.

10. The Committee received 256 memoranda containing views, comments, suggestions, resolutions, replies to questionnaire, etc. on the subject matter of the Bill from various individuals, jurists, associations and organisations. (Appendix III).

11. The Committee heard the oral evidence tendered by 129 witnesses (Appendix IV).

12. The Committee decided that the verbatim record of evidence tendered before it should be laid on the Table of the House.

13. The Committee considered and adopted the Draft Report at its sitting held on Thursday, the 22nd January, 1976.

14. The principal changes effected by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs.

Clause 2

The changes made in the clause are of a clarifying nature.

Clause 9

The Clause has been amended for the following purposes:—

- (i) It has been clarified that the definition of the word "India", as revised in section 18, would have limited application i.e. for the

*Included in the evidence.

purpose of referring to the territories to which the Code extends and for no other purpose.

(ii) The definition of the word "Judge" as contained in section 19 of the Code with the deletion of the Illustrations therefrom and with the inclusion of "magistrate" within the scope of the definition would, in the opinion of the Committee, be better and more appropriate than the one that had been proposed in the Bill. The definition has therefore been revised.

(iii) The Committee is of the opinion that the nature of public duties performed by Members of Parliament, State Legislatures and local authorities is different from the public duties carried out by public servants as commonly understood and as such these categories of representatives of the people should not be brought within the purview of the definition of the term 'public servant'. The Committee is also of the opinion that the persons who are employed or engaged as examiners or invigilators, by any University or Board of Education or other body or institution, either established by or under, a Central, State or Provincial Act or constituted by the Government or by a local authority, in connection with an examination should be also brought within the purview of the definition 'public servant'. Proposed section 21 has been amended accordingly.

Clause 10 (Original)

Section 22 of the Code contains the definition of the expression "moveable property". The Bill proposed to omit the section possibly on the ground that the expression stood defined in the General Clauses Act. The Committee feels that the definition of the expression "moveable property", as contained in section 22 of the Code, is more explicit and elaborate than the one contained in the General Clauses Act, 1897. The Committee has therefore deleted the clause which sought to omit section 22 of the Code.

Clause 10 (Original Clause 11)

In addition to bodily injury, a fraudulent action often causes strain on the mind and damage to the reputation or property of a person. The clause has been amended to cover these aspects also.

Clause 11 (Original Clause 12)

The Clause has been amended to include a reference to section 38 also as it will be a necessary corollary to the amendment proposed in the "sounds".

Clause 13 (Original 14)

The Clause has been amended to include a reference to section 38 also, as it will be a necessary corollary to the amendment proposed in the Bill in sections 34 and 35 of the Code.

Clause 17 (Original Clause 18)

The expression "public servant" as defined in section 21 also includes persons in the service of a "corporation owned or controlled by the Government". New section 52B has been added to the Code for defining the expression 'Corporation owned or controlled by Government'.

Clause 18 (Original Clause 19)

The Committee has considered the types of punishments which could be imposed on conviction for the various offences enumerated in the Code. The Committee is not in favour of introducing 'externment', details of which had been furnished in new section 74A under clause 27 (original clause 29), as a form of punishment. In the opinion of the Committee, this form of punishment might not be reformatory and if introduced, would cause considerable hardship to the convicted persons, particularly to those who are poor as due to the stigma attached, they might not be in a position to earn their livelihood in the new environment.

The Committee has also considered the question whether persons who are convicted for offences involving punishment up to three years imprisonment could, instead of being sent to jail for short periods be awarded some other form of punishment which would be reformatory in character and at the same time benefit the society at large. The Committee has accordingly introduced the punishment of 'community service', as outlined in the new section 74A proposed under clause 27 (Original clause 29). The Committee has also suggested introduction of a new form of punishment viz., 'disqualification from holding office' and furnished details of the same in new section 74D under clause 27 aforesaid.

The Committee has also clarified that the "order for payment of compensation" need not be confined in favour of the victims only but in appropriate cases the benefit could be extended to other eligible persons also.

The Committee has made necessary changes in the clause.

Clause 20 (Original)

The clause had made provision to the effect that sentence of death should not be passed on a person convicted of a capital offence if at the time of committing the offence he was under 18 years of age. This might lead to undesirable results by encouraging persons to use minors for committing murder. The Committee feels that there is no necessity of putting such an impediment on the powers of the Court in this regard. If the circumstances of the case so demand and the law provides for such a punishment, the Court should have power to award the sentence of death even in a case where the culprit involved happens to be a minor. The clause has, therefore, been deleted.

Clause 20 (Original Clause 22)

Section 57 of the Code as proposed to be amended had provided that in calculating fractions of terms of punishment, imprisonment for life should be reckoned as equivalent to rigorous imprisonment for twenty years. In this connection attention of the Committee was brought to the aspect that sometimes due to grant of remission even murderers sentenced or commuted to life imprisonment were released at the end of 5 to 6 years. The Committee feels that such a convict should not be released unless he has served atleast fourteen years of imprisonment.

The clause has been amended substituting a new section for section 57.

Clause 23 (Original Clause 25)

It was brought to the notice of the Committee that there were persons who were not in a position to pay the fine imposed on them. The Committee feels that if on application made by such a person the Court, which convicted the person, is satisfied that he has no means to pay the fine that remains unpaid, or unrealised and that person had already undergone imprisonment for default of that fine, it may, by order, direct that such fine or part thereof shall not be realised from him. Sub-section (4) has been added to section 68 for the purpose.

Clause 25 (Original Clause 27)

New section 72A has been added to make it clear that in a case where a company is involved and it is convicted for an offence punishable with imprisonment only or with imprisonment and fine or with imprisonment and any other punishment not being fine, the Court would be competent in such a case to award the punishment of fine only.

Clause 27 (Original Clause 29)

Consequent on the recommendation of the Committee to omit externment as a kind of punishment from clause 18 (Original clause 19) (section 53), section 74A proposed in the clause providing details of the punishment of externment has also been deleted.

New sections 74A and 74D have been inserted in the clause to provide for the new forms of punishments of "community service" and "disqualification from holding office" which have been added by the Committee in clause 18 (Original clause 19).

The Committee has also made the following changes in the provisions proposed in new section 74B relating to payment of compensation to victims:—

(i) the compensation to be awarded should be monetary and not in any other form;

(ii) payment of compensation should ordinarily be in addition to the sentence and not in lieu thereof as had been originally provided. But in cases where the sentence is only of fine or of imprisonment for a period not exceeding three months, the order of compensation may be in lieu of such punishment; and

(iii) while passing an order of payment of compensation the court should not be concerned with the social status of the offender or of the person in whose favour such order is made.

The Committee has recommended that the provisions of new section 74C(1) (public censure) should also apply to offences punishable under sections 198A, 420A and 462A.

The clause has been amended for the purpose.

Clause 28 (Original Clause 30)

The original clause had provided for enhanced punishment for a second offence punishable with imprisonment upto two years or more if the

same was committed within a period of five years from the date of final release from prison after serving that sentence. The Committee feels that this provision is harsh as it covers even minor offences and that the clause should be made applicable only in respect of offences punishable with imprisonment for a term of three years or upwards and that too if the person concerned had been sentenced to imprisonment earlier. Revised section 75 further provided that the offender who had led a blameless life for a long period of five years after the first conviction would also come within the mischief of the proposed provision. The Committee feels that a person who commits such an offence again after a period of five years cannot be regarded as a habitual offender. The Committee has accordingly reduced this period to three years. Accordingly section 75 has been suitably recast for the purpose.

Clause 31 (Original Clause 33)

The clause proposed to expand the scope of section 94 of the Code to provide *inter-alia* that the threat need not be confined only to the person himself but may be to his near relative also and the Explanation thereto limits the definition of "near relative" to children, parents and spouse of the person. The Committee is of the opinion that the scope of this definition should be broadened to include relatives like brother, sister, son-in-law, daughter-in-law, grand children and grand parents. The Committee has accordingly enlarged the list to cover these relatives also.

With a view to provide for the concept of constructive liability in respect of companies, the Committee has inserted new sections 94A and 94B to the clause. Section 94A makes provisions to the effect that where an offence is committed in furtherance of the affairs of a company by its employee at the request, command, etc., of its Board of Directors, director; manager or other controlling person the company shall also be deemed to have committed that offence and liable for punishment. Section 94B provides that where an offence has been committed by a company, every person in charge of or responsible for the conduct of the business of the company at the time when the offence was committed, as well as the company itself, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished.

Clause 32 (Original Clause 34)

The clause had originally provided that no person shall have any right of private defence against an act of a public servant done by him in pursuance of the judgement or order of a court irrespective of the fact whether the court had jurisdiction or not to pass such judgement. The Committee feels that the clause as worded might encourage misuse of power in the garb of assumed jurisdiction. The Committee has therefore substituted the words "if the Court had *prima-facie* jurisdiction" for the words "though the Court may have had no jurisdiction".

Clause 35 (Original Clause 37)

The clause had originally proposed to extend the right of private defence of property *inter-alia* to prevention of mischief to Government property where such mischief involved intentional destruction of, or damage to, the property and was likely to result in general danger, loss of human

life or other grave consequences. The Committee is of the opinion that this right of private defence in respect of Government properties should be made available only when intentional destruction of, or substantial damage to, the property is involved irrespective of the results thereof. The Committee has therefore inserted the word "substantial" before the word "damage" and has also deleted the words "and is likely to result in general danger, loss of human life or other grave consequences" from sub-clause (d).

The Committee has also included hijacking of aircraft and sabotage in the list of offences enumerated in the clause. The clause has been modified accordingly.

Clause 37 (Original Clause 39)

The changes made in the clause are of a clarifying nature.

Clause 40 (Original Clause 42)

The clause has been amended to make clear the intention that the sentence of imprisonment for abetment of capital offence may be imprisonment of either description.

Clause 41 (Original Clause 43)

The changes made in the clause are of a clarifying nature.

Clause 45 (Original Clause 47)

The Committee has made some verbal changes in this clause and has deleted illustration (c) to section 120C as the Committee felt that the insertion of that illustration was not necessary.

Clause 47 (Original Clause 49)

The Committee feels that the expressions "armed forces of India" and "enemy" occurring in this clause should be amplified so that there might not exist any doubt on those matters. The Committee has accordingly added an Explanation to the clause defining those terms.

Clause 48 (Original Clause 50)

The Committee is of the opinion that the word "contempt" need not be brought within the purview of the expression "disaffection". The word 'contempt' has therefore been deleted from Explanation 1.

Clause 52 (Original Clause 54)

Wearing a garb or carrying a token resembling the one used by an officer or a member of the armed forces has been made an offence. The Committee feels that one could also cheat by carrying documents used by an officer or member of the armed forces and that carrying of such documents should also be made punishable.

New section 140 has been suitably amended for the purpose.

Clause 56 (Original)

This clause sought to provide for making preparation to commit rioting as a separate offence. The Committee feels that as already a number of preventive provisions exist in the law which could be utilised

for meeting such a situation, it is not necessary or desirable to make a separate provision in this regard. Moreover, the Committee is apprehensive that the wide scope of this clause might be misused. The Committee has therefore deleted the clause.

Clause 55 (Original Clause 58)

The Committee has omitted the words "or attempt to promote" from the Explanation to section 153A(1) of the Code.

Clause 58 (Original Clause 61)

Section 154 of the Code prescribes punishment for the owner or occupier of the land where an unlawful assembly is held or a riot takes place. The Committee is of the opinion that for checking such offences effectively the person in charge or in control of such land, whether having or claiming an interest in such land or not, should also be made responsible for the offence and liable to "punishment" prescribed.

The clause has been suitably amended for the purpose.

Clause 62 (Original Clause 65)

Changes made in the clause are of verbal nature.

Clause 63 (New)

The Committee has made certain consequential changes in sections 162 and 163 of the Code and has, therefore, added the new clause.

Clause 65 (New)

The Committee has inserted a new section 166A in the Code for dealing with a public servant who maliciously causes injury to any person.

Clause 67 (New)

Attention of the Committee was drawn to the problem of cheating of Government on a large scale by dishonest contractors in connivance with corrupt public servants in the matter of supply of goods or services and construction of buildings or execution of other works. In such cases the Committee feels that not only the fraudulent contractors but also those public servants who assist them in cheating the Government should be punished. New section 167A has been inserted for the purpose.

Clause 72

In conformity with the amendment made recently in section 77 of the Representation of the People Act, 1951, the Committee, by insertion of an Explanation to section 171H of the Code, has clarified that the expenses incurred by a political party to further the prospect of its candidates should be exchanged from the scope of that section.

Clause 73 (New)

Section 171 I of the Penal Code prescribes the punishment to be awarded to a person who is required by any law to keep accounts of

expenses incurred in connection with an election if he fails to keep such accounts. The Committee feels that there is now no necessity for continuing this provision in the Code.

The Committee has therefore added the new clause for omitting section 171 I of the Code.

Clause 82 (Original Clause 81)

The Committee has deleted the expression "even if the action of the public servant is not strictly justified by law" occurring at the end of the proposed Explanation to section 183, as it felt that there was no necessity for adding that provision.

Clause 85 (Original Clause 84)

The omission of the expression "even if his action is not strictly justified by law" occurring at the end of the proposed Explanation to section 186 is consequential to the amendment made in clause 82 (Original clause 81).

Clause 87 (Original Clause 86)

The Committee feels that forcible closure of markets, public institutions and suspension of movements of vehicles on public road arising out of fear generated by disobedience to an order duly promulgated by a public servant should also be brought within the ambit of section 188.

The clause has been amended for the purpose.

Clause 90 (Original Clause 80)

New section 198A prescribes punishment to be awarded for issuing or signing false medical certificate by a medical practitioner. As the Committee felt that the expression "medical practitioner" should be defined, an Explanation defining the expression 'medical practitioner' has been added to the section.

The Committee is of opinion that the clause should also cover cases where any person obtains a medical certificate dishonestly. Accordingly suitable amendment has been made in section 198B.

Clause 92 (Original Clause 91)

The changes made in the clause are of a clarifying nature.

Clause 96 (Original Clause 95)

The Committee has clarified that the harbouring of kidnappers or abductors punishable under section 363A, 364 or 364A only would come under the amendment proposed in sub-clause (a) of the clause, relating to section 216A.

Clause 99 (Original Clause 98)

The Committee feels that the existing provisions of the law are quite adequate to deal with an accused who jumps bail and there is no necessity of making another penal provision in this regard.

Section 229A proposed in the clause has therefore been deleted.

Clause 110 (Original Clause 109)

As the offences relating to minting of counterfeit coins and making fictitious government stamps had been growing day by day, the Committee felt that the preparation for committing such an offence should also be made punishable so that the police could take cognizance of such crimes and nip the evil in the bud. A new section 263C has therefore been added for the purpose.

Clause 115 (Original Clause 114)

The amendment made in the clause is of a clarifying nature.

Clause 118 (Original Clause 117)

The Committee is of the opinion that the owner of a vehicle who knowingly or negligently permits his unsafe or overloaded vehicle to be driven on a highway should be also brought within the purview of new section 279A proposed in the clause and for such an offence he should be liable to the same punishment as has been prescribed for the person who knowingly drives the vehicle. The Committee has clarified that the provisions contained in this section would also apply in the matter of plying of unsafe or overloaded vessel in the public water-way.

The clause has been suitably amended for the purpose.

Clause 122 (New)

Attention of the Committee was drawn to the fact that of late there had been an increase in the printing of grossly indecent or scurrilous matter intended for blackmail and then circulating or exhibiting them through the medium of press, handbills and other written documents. The Committee feels that for checking this menace of blackmailing there should be a specific provision in the Code prohibiting the printing and distribution of such scurrilous matters and for the punishment to be awarded to the offender.

The Committee has, accordingly, inserted new section 292A for the purpose.

Clause 123 (Original Clause 121)

Sub-section (3) of revised section 294A had provided guidelines to the State Governments for authorising a lottery. The Committee feels that the conditions on which a State Government might authorise a lottery should be left to the Government concerned and there is no necessity of prescribing any guidelines in this regard in the Code. Proposed sub-section (3) has accordingly been deleted.

The Committee is of the opinion that for selling or distributing tickets of a State lottery in a State other than the State which organised the lottery prior permission of the State concerned (i.e. where the tickets would be sold or distributed) should be obtained. New section 294B has therefore been added for the purpose.

*Clause 124 (Original Clause 122)**Clause 125 (New)*

The Committee feels that the punishment for murder cases which stood prescribed in sections 302 and 303 should be brought under one section of the Code. The Committee is also of the opinion that there should not be a provision to the effect that a sentence of death should invariably be passed on a person who committed a murder while under sentence of life imprisonment and the question whether in such a case a sentence of death or imprisonment for life should be awarded would depend upon the circumstances of the case and left to the discretion of the Court.

The Committee has, accordingly, amended section 302 and has added new clause 125 for omitting section 303 of the Code.

Clause 127 (New)

It was represented before the Committee that the drivers of vehicles and sometimes vessels, also caused death or grievous hurt to persons by rash or negligent driving and they ran away after the accident without informing the police. The Committee feels that stringent measures should be taken against such miscreants. The Committee considers that such person should be punished with imprisonment for a term which might extend to seven years and should also be liable to fine and a specific provision in respect of this crime should be made in the Code. New section 304B has therefore been inserted in the Code for the purpose.

Clause 128 (Original Clause 124)

Original section 305 of the Code provides for awarding the punishment of death or imprisonment for life or imprisonment upto 10 years to the person who abets a minor or insane person to commit suicide. It was brought to the notice of the Committee that the prevailing trend was to abolish death sentence except where heinous acts were involved and that death sentence would be too harsh a punishment for the abetment of suicide. The Committee considers that this punishment should be deleted from section 305 of the Code.

The clause has been amended suitably for the purpose.

Clause 129 (Original Clause 125)

The amendment made in the clause is a necessary corollary to the change suggested by the Committee on the proposed section 302.

Clause 129 (Original)

The Committee feels that the provisions existing in section 125 of the Code of Criminal Procedure, 1973 in regard to the maintenance of wives, children and parents are quite adequate and there is no necessity to have another provision in the matter in the Indian Penal Code as proposed in the clause.

The Committee has therefore deleted the clause.

Clause 133 (Original Clause 130)

The expression "grievous hurt" as amplified in the original section 320 of the Code included fracture or dislocation of a tooth but it was sought to be excluded from the definition as provided for in the clause. The Committee feels that the fracture or dislocation of a tooth should continue to be treated as a grievous hurt.

Further, the original section 320 of the Code provides that any hurt which causes the sufferer to be, during the space of twenty days, in severe bodily pain should be also regarded as grievous hurt. In the proposed clause that period had been reduced to ten days. The Committee feels that to reduce the scope for manipulation and to ensure that only genuine cases are brought within the purview of this provision, this period of suffering from bodily pain should be increased. The Committee has accordingly extended this period to fifteen days.

Clause 135 (Original)

The clause sought to delete the word 'lawful' from sections 332 and 333 of the Code. The Committee does not find enough justification for its deletion and is of the opinion that for proper appreciation of the intention of the provisions, the word 'lawful' should be retained in these two sections. The clause has, therefore, been deleted.

Clause 145 (Original Clause 143)

The changes made in the clause are of a drafting nature. The insertion of the words "or uses criminal force to" has been made to bring the clause in line with section 354 of the Code.

Clause 148 (Original Clause 146)

This clause among other things introduces a new section 362A for dealing with the offence of forcible seizure and control of aircraft and other vehicles. The Committee has amplified the new section and made it more comprehensive.

Clause 147 (Original)

The clause had originally proposed awarding of a minimum punishment of three years in the case of kidnapping of a person under the age of fifteen years. The Committee is of the opinion that there is no necessity to provide for such a minimum punishment in the case of kidnapping of a minor and the quantum of punishment to be imposed in such a case should be left to the discretion of the Court which will naturally take into account the gravity of the offence and the circumstances of the case involved.

The clause, has, therefore, been deleted.

Clause 148 (Original)

The clause had proposed awarding of a minimum sentence of five years for the offence of kidnapping of a minor for purposes of begging

provided in section 363A of the Code. As in the case of section 363, the Committee feels that there is no need to prescribe any minimum punishment for this crime also and that the quantum of punishment to be awarded in such a case should be left to the discretion of the Court subject to the maximum prescribed for the crime.

The clause has, accordingly, been deleted.

Clause 149

The Committee is of the opinion that the maximum punishment for kidnapping or abduction for the purposes of ransom should be restricted to ten years and not fourteen years as proposed in section 364A.

The clause has been amended accordingly.

Clause 157

The Committee has made the following amendments in this clause which deals with sections 375, 376, 376A, 376B and 376C relating to the offence of rape:—

(i) The Committee is of the opinion that sexual intercourse by a man with his own wife whatever might have been her age, should not be regarded as rape. The Committee has therefore deleted clause (ii) of the proposed section 375 and clause (i) of the proposed section 376.

(ii) The proposed section 376 provided for maximum punishment of 7 years in the case of rape by a man with his wife who is living separately from him under a decree of judicial separation or by mutual agreement. The Committee feels that the quantum of punishment prescribed for the offence is harsh and has, therefore, reduced the period to three years.

(iii) Similarly, the Committee feels that punishment for rape in other cases should be imprisonment for life or ten years depending upon the gravity of the offence and not life imprisonment in all the cases as was provided in the original clause.

(iv) The proposed section 376A had provided for punishment of a public servant for committing sexual intercourse with a woman under his custody. This provision, in the opinion of the Committee, is inadequate as sometimes the public servant taking undue advantage of his official position also seduces a woman who is in the custody of a public servant subordinate to him. The Committee is also of the opinion that in such a case of abusing the official position punishment of imprisonment should be compulsory and the offender shall also be liable to fine. The Committee has redrafted section 376A taking all these aspects into consideration.

(v) In the case of proposed section 376B also, the Committee is of the opinion that the punishment for seducing any female inmate of a women's or children's institution by any office-bearer of that institution taking undue advantage of his official position should be two years with fine and not two years or fine or both as proposed in the Clause. The Committee is further of the opinion that the hostels

or boarding houses etc. attached to or controlled or recognised by such institutions should be also brought under the purview of this section. The Committee has amended the Explanation to this section accordingly.

(vi) In regard to section 376C also the Committee is of the opinion that resorting to sexual intercourse not amounting to rape with a mentally disordered patient by an office-bearer or employee of a hospital, whether he knew about the mental disorder of the patient or not, should be punishable with imprisonment upto two years and fine.

Clause 159

Clause 159 deals with aggravated forms of theft. The Committee is of the opinion that theft of an article of antiquity or art treasure within the meaning of the Antiquities and Art Treasures Act, 1972 is more reprehensible than the other forms of thefts mentioned in the clause. The Committee has therefore made a separate provision in respect of this crime prescribing punishment upto 10 years. The Committee has also inserted a new section 381A providing punishment for theft committed by putting a person in a state of intoxication or unconsciousness.

The clause has been amended accordingly.

Clause 160

The amendment made in the clause is of a clarifying nature.

Clause 161

[Clause 162 (Original)]

The clause has been redrafted so as to make the amendments to sections 388 and 389 clear. Consequently original clause 162 has been omitted.

Clause 162 (Original Clause 163)

The amendment made in the clause is of a drafting nature.

Clause 165 (Original Clause 166)

Clause 166 (New)

The Committee is of the opinion that the offence of making preparation for committing dacoity does not stand on the same footing as that of making preparation for robbery and that they should not be clubbed together for the purpose of awarding punishment. The Committee accordingly considers that apart from fine, the maximum punishment for the offence of making preparation for committing dacoity should be restricted to seven years, while in the case of making preparation to commit robbery that period should not exceed five years.

Clause 165 (Original clause 166) has accordingly been amended and a new clause 166 has been added for the offence relating to making preparation for robbery.

Clause 169

The amendments made in the clause are of a clarifying nature.

Clause 173

For obvious reasons, the Committee has also included section 83 along with sections 82 and 84 in the Explanation to the revised section 410, relating to stolen property.

Clause 175

Clause (b) of the revised section 415 described the wrongful loss that a person might suffer on account of cheating. It did not cover wrongful gain that might accrue to the person who cheated or to anybody else. The Committee has therefore added the words "or wrongful gain to any person" in clause (b) of section 415.

Clause 176

The clause had originally proposed to insert a new section namely, section 420B to deal with commercial corruption on the part of private employees and of professionals. The Committee is of the opinion that the professionals whose conduct or discipline is regulated by any other law should not be brought under the purview of this Code and their misconduct in this regard, if any, should continue to be dealt with by the disciplinary bodies set up under the relevant statutes. So far as commercial corruption on the part of private employees and of professionals other than those mentioned above is concerned, the Committee feels that such corruption should be punished but provision for the same should be made in the appropriate Chapter of the Code and not in the Chapter dealing with offences relating to property. The Committee has, therefore, deleted the proposed section 420B and inserted the same as new clause 181 of the Bill.

The Committee has also brought the language of the proposed section 420A in line with that of section 415(a) which deals with general offence of cheating.

Attention of the Committee was drawn to the fact that of late there had been an increase in the commission of frauds by publication of false advertisements transfer or disposal of properties belonging to companies and sudden changing of names of companies. The Committee feels that there should be separate provisions for punishment in respect of these offences. New sections 420B and 42C have therefore been added for the purpose.

Clause 177

The clause has been amended as a consequence of the insertion of a new section dealing with sabotage. Specific provision in respect of sabotage has been made in the proposed section 437.

Clause 178

The Committee feels that there should be a specific provision in the Code for meeting the menace of sabotage. The Committee has accordingly

added new sections 437 and 438 to deal with the offences of sabotage and making preparation for committing sabotage, respectively.

The amendment made in the proposed section 435 is of a clarifying nature.

Clause 180

The Committee is of the opinion that the offences of house-trespass for committing theft and house trespass for committing other offences' are not of the same kind and they should be dealt with separately. The proposed section 443 has therefore been split into two sections *viz.* 443 and 444. Further, the Committee feels that the maximum punishment to be awarded for grievous hurt caused whilst committing burglary should, apart from fine, be life imprisonment or rigorous imprisonment upto ten years. New section 449 has been amended for the purpose and the other amendments made in this section and in section 450 are of a classifying nature.

Clause 181 (Original)

The clause had sought to provide for punishment for criminal negligence by professionals. For the reasons stated under clause 176 this clause has been deleted.

Clause 181 (New)

The clause incorporating a new section 462A has been inserted as a consequence to the recommendation of the Committee that the provisions of proposed section 420B (deleted from clause 176) dealing with corruption by persons in private employment should be dealt with under a separate Chapter. The offence has been brought under the new Chapter XVIII.

Clause 185

The Committee feels that the forging of a document which purports to be an authority to adopt a son should not be taken away from the purview of section 467 as proposed in the clause. The Committee has therefore restored the provision. The Committee has however availed the opportunity to widen the scope of the section so as to cover within it the adoption not only of a son but of any other person. The clause has been amended for the purpose.

Clauses 187 and 190 (Original)

The Committee is of the opinion that the punishments prescribed in the existing sections 472 and 475 of the Code for the offences of making or possessing of counterfeit seal and of counterfeiting device for authentication of documents should be retained. Clauses 187 and 190, which proposed to alter these punishments, have accordingly been deleted.

Clause 190 (Original Clause 192)

The Committee feels that the fraudulent cancellation or destruction of a document which purports to be an authority to adopt a son should not be taken away from the purview of section 477. The Committee has also widened the scope of the section to cover under it the adoption of not only a son but of any other person.

The clause has been amended for the purpose.

Clause 191 (New)

The clause has been added to clarify that for the offence of falsification of accounts under section 477A, not only the person who is acting in the capacity of a clerk, officer or servant but any other person employed in any other capacity and acting in that capacity would also come under the mischief of the provisions of that section.

Clause 193 (New)

The Committee is of the opinion that making preparation for committing any offence relating to currency or bank notes etc. specified in sections 489A to 489E of the Code should itself be an offence and separate punishment should be prescribed for such an offence. New section 489F provides for punishment for that offence.

Clause 194

The amendment made in section 490 is of a clarifying nature. The Committee feels that the unauthorised taking or publishing of photograph of a place, building or thing, where taking of such photography is prohibited by a written notice, should also be made a penal offence. Two new sub-sections (3) and (4) have accordingly been added to section 491 for the purpose.

Section 492 which deals with certain exceptions to section 490 or 491 has been amplified to include also the use of an artificial listening or recording apparatus by a person for a purpose authorised or permitted under any law.

Clause 195

The changes made in the clause are of a clarifying nature.

Clause 201

The Committee considers that in a democratic set-up, any peaceful and non-violent means adopted by a person for the redress of his grievance, without resorting to violence should not be regarded as an offence. The Committee therefore feels that it would not be desirable to treat a threat to go on fast unto death for achieving some objective or performing mock-funeral of a living person as an offence. Sections 507A and 507B proposed in the clause have therefore been deleted. Further in the proposed section 507C (now renumbered 507A) provision has been made to the effect that mutilation or disfigurement of statue shall also be an offence.

Clause 202

The Committee feels that the awarding of punishment of fine of rupees five hundred to a drunken person for misconduct in public as provided in the clause might be too harsh especially, if the person involved happens to be a poor man. The Committee therefore considers that in such a

xx

case awarding of the punishment of imprisonment till rising of the court or fine upto one hundred rupees would be sufficient. The clause has been amended for the purpose.

The other changes made in the Bill are of a consequential or drafting nature.

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

NEW DELHI;
January 22, 1976.

YOGENDRA SHARMA,
Chairman of the Joint Committee.

MINUTES OF DISSENT

I

Many people in the world of law had been wondering why and how one of the most well consolidated measures was suddenly picked up for a thorough overhaul. Lord Macaulay's monumental statute namely the IPC has not only stood the test in this country for a century old application, but has also lent itself to other countries as a model piece of legislation. A feeling is therefore natural that such a legislative establishment should be left as undisturbed as possible. A few minor changes here and there in the light of judicial observations from time to time are of course a different matter.

The statements of Objects and Reasons, are more deceptive than indicative. The profession that conflict of decisions have to be resolved is clearly insincere. To illustrate the point it may be mentioned that in some High Courts a mere presence in or round about a mob was considered enough for attributing constructive liability within the meaning of an offence of rioting while other High Courts decided that such mere presence is not enough. The present Bill has not proposed to resolve the deadlock. The position is obvious namely that people who would be competent as witnesses are likely to be convicted as accused. The Bill professes tender concern for the abolition of death sentence but it is only with a long sigh that death sentences are retained on the ground that there are difference of opinion. There are very few progressive measures which do not leave a trail of dissent. Abolition of death sentence might be made to be one such. Many countries in the world not less civilised than ours took courage in both hands to abolish death sentence. Some retreated and restored it, and then again dropped it. We might also take and give a bold lead by abolishing capital punishment forthwith. Amongst others even highly placed law officers of the Government of India and of the States and also some police officers of the ranks of IG and DIG of police have admitted and submitted that long after the condemned man has been executed, it was authoritatively discovered that a wrong man has been hanged. No re-prive could come to rescue in such cases but if it was a case of life imprisonment, the person could be given the benefit of remission and bounties. A Republican Government taking the head of a Republican citizen by an erroneous process of law—what could be more pathetic? The retention of death sentence loses sight of the modern concept of punishment as reformistic instead of being retributive. Coming now to the apology—flashed in the statements of Objects and Reasons in bold letters—namely that white coloured officers should come in for more penal measures one might say that the hands of the clock have been turned back. Invention of crime has been multiplied and rigour of sentence aggravated for tightening the chain round the civil liberty of the subject and for depriving him of liberty for a longer term for each offence old and new; whereas the so called public servants with meaningless leniency in their liberty are proposed to be favoured with almost lazy sentences for grave offences under the garb and privilege of office. The public who

are soul of the republic have been twisted down and the public as a part of the bureaucracy has been held up. Nothing could have been a sadder outrage upon the Preamble of the Constitution. Incidentally it may be mentioned that this amending Bill was introduced and piloted by the Home Ministry. The Law Ministry was not represented at all in the Joint Select Committee. The Home Minister of the Cabinet rank or even State Minister of Home never attended any meeting of the said Committee, although Committee informally expressed desire that they should be present at least on important occasions. The Deputy Minister incharge was good in his own way but in many vital matters the bureaucracy assisting him obstinately showed mailed fist from behind the velvet gloves.

Suggestions were made that some of the anti-national penal laws be transposed into the IPC and be made integral part of the same. But that was not to be. Certain efforts have been made for conceiving and defining new laws and for redefining the old in such a way as to enable the police or the beneficiary of the police fall upon the political or civil malcontent. Those who are reconciled with the present Government or administrative set up will not be prosecuted but those who want to see that freedom grows from precedent to precedent may have their tails twisted at the mere whim or caprice of the power that be. Working class movements and trade union activities which are now the stock clients of MISA, DIR, and other Emergency measures will hence-forth become habitual customers of the ordinary municipal law of the land. It seems as if Hitler is coming back and coming to India. The efforts that have been made—though the wisdom of the Committee has made such efforts largely abortive—for putting a noose round lawyers, doctors, and the like as warning to the intelligentsia in general that unless one behaves docile politically he stands in danger of being punished criminally. The proposals for externment, compenastion, public censure etc. show the utter irresponsibility and Vindictiveness on the part of the bureaucracy which has been the philosopher and guide of this orphan Bill. It will not be out of place to say that the same bureaucracy which made a mess of criminal procedure code has also defiled the IPC and unless the open Houses are adequately alive and alert a golden tower of individual liberty and republican sanctity will topple down.

The hideous severity of sentence in the matter of so called repetitive offences is a basic pointer to the utter disregard and distrust of the subject. The free citizen supposed to be more and more expansive in all round freedom, is proposed to be crippled in his individual and collective activities. He will have to live life of constant peril apprehending in the corner sentence and more sentence and still more sentence. He will have to live a demoralised civil life not venturing to cultivate manhood, lest suddenly he turns out an offender and old offender. The resultant impact will be increasing cowardice and mounting sickliness in citizenship. The individual will have to abrogate the elementary right of protest. The news reporter or an editor of a newspaper will unclouthe himself of his courage of conviction for writing an article inspired by courage and conviction.

Coming to the question of burning of effigy, the proposed measures are going to make us a laughing stock in the world. The average Indian, who hates a political leader of a different persuasion, does not think of

physically assaulting him. The effigy is only an imaginary prototype over which he pours his venom. No disturbance of the peace is likely to occur nor has such disturbance occurred in the past on this account. This is all a shadow fight but a substantial agitation. And now the Bill proposes to cripple substantial freedom by conjuring a shadow into reality. Indeed the Government is so distrustful of the common Man's elementary right of a peaceful, though aggressive looking, agitation.

The greatest blow to individuality has been in the matter of dangerously retrograde measures hemmed round the right of private defence of person and property. Lord Macaulay's law, in this behalf, is on parity with the fundamentals of English Law and this Law glittering as a model in many developed and developing countries of the world. In one sentence it can be said that on this score more powers, protection, and privileges are going to be given to the police and the bureaucracy; and there is no denying the fact that the citizen of the Republic is going to lose such a protection not by ounces but by tons. In the relevant matter, so far as Municipal Law is concerned, the unrepublican Indian subject under British Rule was decidedly better than how the Republican Indian citizen of free India is going to be placed. Less for the common man and more and much more for the police and the bureaucracy. As if the police and the laws do not exist for the people but that India and Indians are the hostages for the libertinism of the Government, vested interests and their hirelings. In essence Police Raj is going to keep citizenship under the heel of establishment. This is farewell to social welfare State.

The best thing that the Government can now do is to retreat by retracting the proposed legislation. There are many other and more urgent useful work to be looked after. Let Lord Macaulay not turn in the grave. But even Macaulay was retrograde in some respects resulting from the impact of Sepoy Mutiny. This needed countermanding.

SASANKASEKHAR SANYAL
DINESH JOARDER

II

While agreeing with the Majority Report I am unable to agree with the Majority Report on the following clauses 18 and 48.

Clause 18

Capital punishment should be abolished. There has been considerable controversy over the subject. The strongest argument in favour of death penalty is that it serves as an effective deterrent. It is contended that the threat which is held out by death sentence to a political murderer is an effect a check on his murderous instinct. Another argument for the retention of capital punishment is that the spirit of vengeance around in public mind on commission of murder is satisfied when the murderer is hanged. But that is a primitive instinct that is eye for eye and tooth for tooth. This does not deserve very serious consideration.

Section 84 of the Penal Code says that nothing is an offence which is done by a person who at the time of doing of commission is of unsound

mind is incapable of knowing of what he is doing is either wrong or contrary to law. If the accused is sent to gallows on the wrong application it cannot be rectified.

It is known that it is neither—exemplary nor deterrent. Because the—commission of murder has not stopped nor lessened.

The development in modern psychiatry has greatly shaken our accepted notions about criminal responsibility. Last but not the least is the ethical argument against capital punishment. Human life is the noblest creation of God who are we to destroy if in the name of awarding punishment. We have no right to take life when it is not within our power to give back life. Even the worst criminal should be given an opportunity to redeem his soul. Even if public opinion cries for blood it is the noble task of State to project virtue. For the reasons stated above I am in favour of abolition of capital sentence. That is nothing but reformative and rehabilitating the offender.

Clause 48 (Proposed sections 124A and 124B).

The proposed sections 124A and 124B is a blatant attack on the democratic Right of freedom of expression, Association and demonstration of the people. Every citizen has the right to remove a Government as by law established by mobilising public opinion through democratic mass movement. This Right of the people is sought to be taken away by the proposed section 124A that is such movement would be branded as prejudicial to public order by the administration and the police. In the notes on clauses it has been stated that this section has been held valid by the Supreme Court. It is not exactly so. The section may be held valid in case of activities intended to create public disorder by resort to violence. This is in essence the opinion of the Supreme Court. But there is nothing in the proposed section 124A which can import this restricted meaning to the section. Its language is such that even a non-violent movement against the Government would be attracted by the proposed section 124A.

A new section 124B is going to be added. There is already a law by Parliament dealing with cases insults to the Constitution, the national flag or the national anthem. The proposed clause is a duplication of existing law. Hence for above reasons this clause 50 should be dropped.

R. V. BADE.

III

I hereby append the following note of dissent in the Indian Penal Code (Amendment) Bill, 1972 as reported by the Joint Committee.

Clause 20

The proviso added to section 57, is to the effect that a person sentenced to life imprisonment shall not be released unless he has served fourteen years of rigorous imprisonment. The insertion of this proviso is opposed. Under Cr. P.C. 1973, appropriate State Government have the power of remission of sentences. Under Articles 72 & 161 of

the Constitution, President and Governor also have the unrestricted powers to remit sentences. The proposed amendment, therefore, is contrary to and in conflict with relevant provision of Cr. P.C. 1973 and Constitution.

Clause 35

Under Section 103 of the existing Code, there is a right of private defence to the extent of causing death of the offender if he commits house-breaking by night. House-breaking by night is much more serious than ordinary criminal house trespass. Since under the amending Bill, House-breaking by night is not a separate and specific offence, house-breaking by night has been deleted from Section 103. But such trespass does necessitate insertion in Section 103. It is, therefore, submitted that the following should be added anywhere in Section 103 as amended:—

“House trespass committed in the night”.

Clause 90

In the explanation, the word medical practitioner is defined. Nowadays, there is a large number of medical persons engaged in Government hospitals who are not practitioners in the popular sense of the term and get non-practising allowance. For the sake of clarity, the explanation should be recast as under:—

In this Code, medical practitioner means person who is registered and authorised to issue a medical certificate under any law.

Clause 96, Section 216(a)

The amendment proposed excludes the cases of persons who have recently committed robbery or dacoity. It confines its application to the persons who are about to commit offence of kidnapping or abduction punishable under sections 363A, 364 or 364A or robbery or dacoity. The omission appears to be inadvertent & unintentional and as such it should be suitably amended by inserting the words “or have recently committed” between the words “to commit” and the word “offence”.

Clause 124

Section 302 is sought to be amended in a manner which will restrict the scope of inflicting death sentence. The wording of sub-clause (2) will create unnecessary difficulty in interpretation. Clause is therefore, opposed and it should be recast as under:—

“Whoever commits murder, shall be punished with imprisonment for life and in case of aggravating circumstances, may be punished with death.”.

Clause 158

Add the following exception in section 377, after the explanation:

Nothing shall be an offence under this section if homosexuality is done in a private place with mutual consent by persons both of whom are above eighteen years of age.

The Indian law should be brought in line with the English law as adopted in U.K. a few years back.

Section 430

In this section 'railway track' should also be included between the words 'road' and 'bridge'.

Clause 181

I oppose the insertion of new provision contained in section 462A. The section seeks to punish private employees for taking bribe in connection with the affairs of their employers. The terms and conditions of the private employees are generally oral and are not regulated by any statutory law and it is very difficult to ascertain as to what will constitute an act of bribery. Such dereliction on the part of private employees should not be dealt with under the penal law of the land.

B. R. SHUKLA.

THE INDIAN PENAL CODE (AMENDMENT) BILL, 1972

ARRANGEMENT OF CLAUSES

CLAUSES

1. Short title and commencement.
2. Substitution of new section for section 4.
3. Substitution of new section for section 5.
4. Insertion of new section 5A.
5. Omission of sections 8, 9 and 11.
6. Insertion of new section 13.
7. Omission of section 14.
8. Amendment of section 17.
9. Substitution of new sections for sections 18, 19, 20 and 21.
10. Substitution of new section for section 25.
11. Amendment of section 29.
12. Omission of sections 31, 32 and 33.
13. Amendment of sections 34, 35 and 38.
14. Substitution of new section for section 40.
15. Substitution of new section for section 43.
16. Omission of sections 48, 49 and 50.
17. Substitution of new sections for sections 52 and 52A.
18. Substitution of new section for section 53.
19. Omission of sections 54, 55 and 55A.
20. Substitution of new section for section 57.
21. Substitution of new sections for sections 64 and 65.
22. Omission of section 66.
23. Substitution of new sections for sections 67 and 68.
24. Omission of section 69.
25. Substitution of new sections for sections 70, 71 and 72.
26. Omission of sections 73 and 74.
27. Insertion of new sections 74A, 74B, 74C and 74D.
28. Substitution of new section for section 75.
29. Substitution of new section for section 76.
30. Omission of section 79.
31. Substitution of new sections for section 94.
32. Substitution of new section for section 99.
33. Amendment of section 100.
34. Amendment of section 101.

CLAUSES

35. Amendment of section 103.
36. Amendment of section 104.
37. Substitution of new section for section 105.
38. Substitution of new section for sections 108 and 108A.
39. Amendment of section 109.
40. Substitution of new sections for sections 115 and 116.
41. Insertion of new section 117A.
42. Amendment of section 118.
43. Amendment of section 119.
44. Amendment of section 120.
45. Insertion of new Chapter VB.
46. Amendment of sections 122 and 123.
47. Insertion of new section 123A.
48. Substitution of new sections for section 124A.
49. Amendment of section 125.
50. Amendment of section 126.
51. Amendment of sections 128, 129 and 130.
52. Substitution of new Chapter for Chapter VII.
53. Amendment of section 141.
54. Amendment of section 153.
55. Amendment of section 153A.
56. Amendment of section 153B.
57. Insertion of new section 153C.
58. Amendment of section 154.
59. Amendment of sections 155 and 156.
60. Amendment of section 157.
61. Amendment of section 160.
62. Amendment of section 161.
63. Amendment of sections 162 and 163.
64. Amendment of section 166.
65. Insertion of new section 166A.
66. Amendment of section 167.
67. Insertion of new section 167A.
68. Amendment of section 171.
69. Amendment of section 171A.
70. Amendment of sections 171E and 171F.
71. Amendment of section 171G.
72. Amendment of section 171H.
73. Omission of section 171I.
74. Amendment of sections 172 and 173.
75. Amendment of section 174.
76. Amendment of section 175.
77. Amendment of section 176.

CLAUSES

78. Amendment of section 177.
79. Amendment of sections 178 and 179.
80. Amendment of section 180.
81. Amendment of section 182.
82. Amendment of section 183.
83. Amendment of section 184.
84. Amendment of section 185.
85. Amendment of section 186.
86. Amendment of section 187.
87. Amendment of section 188.
88. Amendment of section 193.
89. Amendment of section 194.
90. Insertion of new sections 198A and 198B.
91. Amendment of section 204.
92. Insertion of new section 207A.
93. Substitution of new section for section 211.
94. Amendment of section 213.
95. Amendment of section 214.
96. Amendment of section 216A.
97. Amendment of sections 217 and 218.
98. Amendment of section 228.
99. Substitution of new section for section 229.
100. Substitution of new section for section 230.
101. Omission of sections 231, 233, 236, 237, 239, 242, 246; 248; 250 and 252.
102. Amendment of section 232.
103. Amendment of sections 234, 238 and 243.
104. Amendment of section 235.
105. Amendment of section 240.
106. Amendment of section 247.
107. Amendment of section 249.
108. Amendment of section 254.
109. Insertion of new section 254A.
110. Substitution of new sections for section 263A.
111. Amendment of sections 264 to 267.
112. Amendment of section 269.
113. Amendment of section 270.
114. Amendment of sections 272 to 276.
115. Amendment of section 277.
116. Amendment of section 278.
117. Amendment of section 279.
118. Insertion of new section 279A.
119. Amendment of sections 280, 282 and 284 to 289.

CLAUSES

120. Amendment of sections 283 and 290.
121. Amendment of section 292.
122. Insertion of new section 292A.
123. Substitution of new sections for section 294A.
124. Substitution of new section for section 302.
125. Omission of section 303.
126. Amendment of section 304A.
127. Insertion of new section 304B.
128. Amendment of section 305.
129. Substitution of new sections for sections 307 and 308.
130. Omission of section 309.
131. Amendment of section 312.
132. Amendment of section 313.
133. Substitution of new section for section 320.
134. Amendment of section 323.
135. Amendment of section 327.
136. Substitution of new section for section 328.
137. Amendment of section 329.
138. Amendment of section 334.
139. Amendment of section 335.
140. Amendment of section 336.
141. Amendment of section 337.
142. Amendment of section 338.
143. Substitution of new sections for sections 341 to 344.
144. Amendment of section 352.
145. Insertion of new section 354A.
146. Amendment of section 356.
147. Amendment of section 361.
148. Substitution of new sections for section 362.
149. Insertion of new section 364A.
150. Substitution of new sections for sections 366 and 366A.
151. Amendment of section 366B.
152. Amendment of section 367.
153. Substitution of new section for section 368.
154. Amendment of section 369.
155. Amendment of sections 370 to 372.
156. Amendment of section 373.
157. Substitution of new sections for sections 375 and 376.
158. Substitution of new section for section 377.
159. Substitution of new sections for sections 380 and 381.
160. Insertion of new section 385A.
161. Amendment of sections 388 and 389.
162. Substitution of new section for section 396.

CLAUSES

163. Amendment of section 397.
164. Amendment of section 398.
165. Amendment of section 399.
166. Insertion of new section 399A.
167. Amendment of sections 400 and 401.
168. Amendment of section 402.
169. Amendment of section 403.
170. Amendment of section 404.
171. Amendment of section 408.
172. Amendment of section 409.
173. Substitution of new section for section 410.
174. Amendment of sections 411 and 414.
175. Substitution of new section for section 415.
176. Substitution of new sections for section 420.
177. Substitution of new sections for sections 426 to 432.
178. Substitution of new sections for sections 434 to 440.
179. Substitution of new section for section 441.
180. Substitution of new sections for sections 443 to 460.
181. Insertion of new Chapter XVIIIA.
182. Amendment of section 464.
183. Amendment of section 465.
184. Amendment of section 466.
185. Amendment of section 467.
186. Substitution of new sections for sections 470 and 471.
187. Amendment of section 473.
188. Substitution of new section for section 474.
189. Amendment of section 476.
190. Amendment of section 477.
191. Amendment of section 477A.
192. Amendment of section 489E.
193. Insertion of new section 489F.
194. Substitution of new Chapter for Chapter XIX.
195. Substitution of new section for section 494.
196. Substitution of new section for section 497.
197. Amendment of section 499.
198. Substitution of new section for section 500.
199. Amendment of sections 501 and 502.
200. Omission of section 505.
201. Insertion of new section 507A.
202. Amendment of section 510.
203. Omission of Chapter XXIII.
204. Repeal and savings.

THE INDIAN PENAL CODE (AMENDMENT) BILL, 1972

(AS REPORTED BY THE JOINT COMMITTEE)

[Words under-lined or side-lined indicate the amendments suggested by the Committee; asterisks indicate omissions.]

A

BILL

further to amend the Indian Penal Code.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1976.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1860.

2. For section 4 of the Indian Penal Code (hereinafter referred to as the Penal Code), the following section shall be substituted, namely:—

Substitution of new section for section 4.

‘4. The provisions of this Code shall apply also—

10

(a) to any offence committed outside India by a citizen of India;

Ex-territorial application of the Code.

(b) to any offence committed by an alien on any ship or aircraft registered in India, wherever it may be;

(c) to any offence committed outside India by an alien in connection with the discharge of his official duty while in the service of the Government or of a local authority or of any corporation owned or controlled by the Government;

(d) to any act committed outside India by an alien which would constitute an offence—

(i) against the sovereignty, security or integrity of India under Chapter VI or Chapter VII of this Code, or

(ii) relating to coinage or currency under Chapter XII or Chapter XVIII of this Code, or

(iii) of forgery in relation to passports, visas or other travel documents under Chapter XVIII of this Code, or

(iv) relating to forcible seizure or control of an aircraft or other vehicle under section 362A, or

(v) relating to abetment of, or criminal conspiracy to commit, any such offence as is referred to in the above sub-clauses under Chapter V and Chapter VA of this Code.

Explanation.—For the purposes of this section, the word “offence” includes every act committed outside India which, if committed in India, would be punishable under this Code, and which in relation to an offence referred to in clause (d), is not committed in exercise of a liberty guaranteed to the alien by the law of the place where it was committed.

3. For section 5 of the Penal Code, the following section shall be substituted, namely:—

“5. Nothing in this Code shall affect the provisions of any special or local law.”.

4. In Chapter II of the Penal Code, under the heading “GENERAL EXPLANATIONS”, before section 6, the following section shall be inserted, namely:—

“5A. The General Clauses Act, 1897, shall apply for the interpretation of this Code as it applies for the interpretation of an Act of Parliament.”.

5. Sections 8, 9 and 11 of the Penal Code shall be omitted.

6. After section 12 of the Penal Code, the following section shall be inserted, namely:—
- Insertion of new section 13.
13. "Election" means an election by whatever means held under any law for the purpose of choosing members of any Legislature, local authority or other public authority.
- Election.
7. Section 14 of the Penal Code shall be omitted.
- Omission of section 14.
8. In section 17 of the Penal Code, after the words "Government of a State", the words "in India" shall be inserted.
- Amendment of section 17.
9. For sections 18, 19, 20 and 21 of the Penal Code, the following sections shall be substituted, namely:—
- Substitution of new sections for sections 18, 19, 20 and 21.
18. The word "India", wherever it occurs in this Code, means the territories to which this Code extends.
- India.
19. The word "Judge" denotes not only every person who is officially designated as a Judge, but also—
- Judge.
- (a) every person—
- (i) who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive or a judgment which, if confirmed by some authority, would be definitive, or
- (ii) who is one of a body of persons, which body of persons is empowered by law to give such a judgment; and
- (b) a magistrate.
20. "Court of Justice" means a Judge or body of Judges when acting judicially.
- Court of Justice.
21. "Public servant" means,—
- Public servant.
- (i) any person in the service or pay of the Government, or remunerated by the Government by fees or commission for the performance of any public duty;
- (ii) any person in the service or pay of a local authority;
- (iii) any person in the service or pay of a corporation owned or controlled by the Government;
- (iv) any Judge, including any person empowered by law to discharge, whether by himself or as a member of a body of persons, any adjudicatory functions;

(v) any person specially authorised by a Court of Justice to perform any duty in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such Court;

(vi) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a Court of Justice or by a competent authority;

(vii) any person employed or engaged as an examiner or as an invigilator by any public body in connection with any examination recognised or approved by or under any law.

Explanation—The expression “public body”, includes—

(a) a University, Board of Education or other body or institution, either established by or under a Central, State or Provincial Act or constituted by the Government;

(b) a local authority;

15

(viii) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election; or

(ix) any person who holds an office by virtue of which he is authorised or required by law to perform any public duty.

20

Explanation 1.—Persons falling under any of the above clause are public servants whether appointed by the Government or not.

Explanation 2.—A person falling under any of the above clause by virtue of any office or situation he is actually holding is a public servant, whatever legal defect there may be in his right to hold that office or situation.

25

21A. “State” means a State in India and includes a Union territory.’.

* * * * *

10. For section 25 of the Penal Code, the following section shall be substituted, namely:—

‘25. A person is said to do a thing “fraudulently” if he does that thing with intent to deceive another and, by such deceit, either to cause injury or damage to body, mind, reputation or property of any person or to induce any person to act to his disadvantage.’.

11. In section 29 of the Penal Code,—

(a) for the words “expressed or described”, the words “expressed, described or recorded” shall be substituted;

(b) for the words “figures or marks”, the words “figures, images, marks or sounds” shall be substituted.

40

12. Sections 31, 32 and 33 of the Penal Code shall be omitted.

13. In sections 34, 35 and 38 of the Penal Code, for the words "several persons", wherever they occur, the words "two or more persons" shall be substituted.

5 14. For section 40 of the Penal Code, the following section shall be substituted, namely:—

'40. "Capital offence" means an offence for which death is * * * one of the punishments provided by law.'

10 15. For section 43 of the Penal Code, the following section shall be substituted, namely:—

'43. (1) A thing is "illegal" if it is an offence, or is prohibited by law, or furnishes ground for a civil action.

15 (2) A person is "legally bound to do" a thing when he is bound by law to do that thing, or when it is illegal in him to omit to do that thing.'

16. Sections 48, 49 and 50 of the Penal Code shall be omitted.

17. For sections 52 and 52A of the Penal Code, the following sections shall be substituted, namely:—

20 '52. A thing is said to be done or believed in "good faith" when it is done or believed honestly and with due care and attention.

52A. "Harbouring" means giving shelter to a person, and includes supplying a person with food, drink, money, clothes, arms, ammunition or means of conveyance, or assisting a person in any manner to evade apprehension.

52B. "Corporation owned or controlled by the Government" includes a society registered under any law relating to registration of societies, so owned or controlled, a corporation so owned or controlled and established by or under a Central, Provincial or State Act and, a Government company as defined in section 617 of the Companies Act, 1956.' 5

1 of 1956.

18. For section 53 of the Penal Code, the following section shall be substituted, namely:—

"53. The punishments which may be imposed on conviction for any offence are— 10

(i) death;

(ii) imprisonment for life which shall be rigorous, that is, with hard labour;

(iii) imprisonment for a term which may be—

(a) rigorous, that is, with hard labour, or 15

(b) simple, that is, with light labour;

(iv) community service;

(v) disqualification from holding office;

(vi) order for payment of compensation***;

(vii) forfeiture of property; 20

(viii) fine;

(ix) public censure;"

* * * *

19. Sections 54, 55 and 55A of the Penal Code shall be omitted.

20. For section 57 of the Penal Code, the following section shall be substituted, namely:— 25

"57. In calculating fractions of terms of punishment or for the purpose of granting suspension or remission of sentences, imprisonment for life shall be reckoned as equivalent to rigorous imprisonment for twenty years: 30

Provided that where a sentence of imprisonment for life is imposed on conviction of a person for a capital offence, or where a sentence of death imposed on a person has been commuted into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment." 35

21. For sections 64 and 65 of the Penal Code, the following sections shall be substituted, namely:—

5 “64. In every case in which an offender is sentenced to a fine, it shall be competent to the court to direct by the sentence that, in default of payment of the fine, the offender shall undergo imprisonment for a certain term.

65. In every case in which the offence is punishable with imprisonment or fine, or with imprisonment and fine—

10 (a) the imprisonment in default of payment of the fine may be of any description to which the offender might have been sentenced for the offence;

(b) the term of such imprisonment shall not exceed one-fourth of the maximum term of imprisonment provided for the offence;

15 (c) such imprisonment shall be in addition to the imprisonment, if any, to which he may have been sentenced for the offence, or to which he may be liable under a commutation of a sentence.”.

22. Section 66 of the Penal Code shall be omitted.

20 23. For sections 67 and 68 of the Penal Code, the following sections shall be substituted, namely:—

“67. In every case in which the offence is punishable with fine only, imprisonment in default of payment of fine shall be simple, and the term thereof shall not exceed—

25 (a) two months, when the fine does not exceed one hundred rupees;

(b) four months, when the fine does not exceed two hundred rupees;

(c) six months, in any other case.

30 68. (1) Imprisonment imposed in default of payment of a fine shall terminate whenever that fine is either paid, or realised by process of law, in full.

35 (2) When a part of the fine is paid or is realised by process of law, the term of imprisonment fixed in default of payment of fine shall be deemed to be reduced by such number of days as bears to the total number of days in that term the same proportion as the

amount of fine paid or realised bears to the amount of fine imposed, and if, at that time, imprisonment in default of payment of fine is being suffered, it shall terminate on the expiration of the reduced term or, if the reduced term has previously expired, it shall terminate forthwith.

5

(3) In calculating the reduction required under sub-section (2), any fraction of a day less than one-half shall be left out of account and any other fraction shall be counted as one day.

(4) Where an offender has suffered the full or, as the case may be, the reduced term of imprisonment in default of payment of fine and the court which convicted him is satisfied on application made to it in this behalf that he has no means to pay the fine that remains unpaid or unrealised, it may, by order, direct that such fine or part thereof shall not thereafter be realised from him.”

24. Section 69 of the Penal Code shall be omitted.

15

25. For sections 70, 71 and 72 of the Penal Code, the following sections shall be substituted, namely:—

“70 (1) No proceedings for realisation of fine or of any part thereof which remains unpaid shall be commenced—

(a) at any time after the expiry of six years from the passing of the sentence, or

(b) if, under the sentence, the offender is liable to imprisonment for a longer period than six years, at any time after the expiry of that period.

(2) The death of the offender does not discharge from the liability for recovery of fine any property which would after his death be legally liable for his debts.

71. (1) Where anything which is an offence is made up of parts, any of which parts is itself an offence of the same kind, the offender shall not, unless expressly so provided, be punished separately for such parts.

Illustrations

(a) A beats Z twenty times with a stick. His offence of voluntarily causing hurt to Z is made up of the twenty strokes given, each of which is itself an offence of voluntarily causing hurt. A is liable only to one punishment for the whole beating.

(b) While A is beating Z, Y intervenes, and A intentionally strikes Y. As this is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z and to another for voluntarily causing hurt to Y.

40

(2) Where an act constitutes an offence under two or more enactments, but the offences are the same, the offender shall not be punished for more than one of such offences.

5 (3) Where an act constitutes an offence under two or more enactments and the offences are not the same, or

where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

10 the offender may be punished separately for each of such offences, but shall not be punished in the aggregate with a more severe punishment than could be awarded for any one of such offences.

15 72. In all cases in which judgment is given in the alternative and a person is guilty of one of several offences specified in the judgment and if the same punishment is not provided for all of them, the offender shall be punished for the offence for which the lowest punishment is provided.

20 72A. (1) In every case in which the offence is punishable with imprisonment only or with imprisonment and fine, and the offender is a company, it shall be competent for the court to sentence such offender to fine only.

25 (2) In every case in which the offence is punishable with imprisonment and any other punishment not being fine, and the offender is a company, it shall be competent for the court to sentence such offender to fine only.

Explanation.—For the purposes of this section, “company” means any body corporate and includes a firm or other association of individuals.’

26. Sections 73 and 74 of the Penal Code shall be omitted.

30 27. After section 74 of the Penal Code, the following sections shall be inserted namely:—

35 “74A. (1) Where any person not under eighteen years of age is convicted of an offence punishable with imprisonment of either description for a term not exceeding three years or with fine, or with both, the court may, instead of punishing him as aforesaid or dealing with him in any other manner, make an order (hereinafter in this section referred to as the Community Service Order) requiring him to perform, without any remuneration, whether in cash or in kind, such work and for such number of hours and subject to such terms and conditions, as may be specified in the said Order:

40

Provided that the number of hours for which any such person shall be required to perform work under a Community Service Order shall be not less than forty hours and not more than one thousand hours:

Provided further that the court shall not make a Community Service Order in respect of any such person, unless—

(a) such person consents in writing to perform the work required of him under such Order:

(b) the court is satisfied that such person is a suitable person to perform the work required of him and that for the purpose of enabling him to do such work under proper supervision, arrangements have been made by the State Government or any local authority in the area in which such person is required to perform such work. 10

(2) Every Community Service Order made under sub-section (1) shall specify the nature of the work to be performed by such person which shall be of general benefit to the community. 15

(3) Where the court by which any Community Service Order was made is satisfied at any time that—

(a) any person against whom a Community Service Order has been made under sub-section (1) has failed, without reasonable cause or excuse, to comply with any of the terms and conditions specified in such Order; or 20

(b) having regard to the circumstances that exist subsequent to the date of making the Community Service Order, it is necessary or expedient in the interests of justice so to do, 25

it may—

(i) in a case falling under clause (a), modify or revoke the Community Service Order and deal with the person convicted of the offence in such manner as he may have been liable to be dealt with for the offence in relation to which such Order was made or, without prejudice to the continued operation of the Community Service Order, impose on him a fine not exceeding one hundred rupees; or 30

(ii) in a case falling under clause (b), modify or revoke the Community Service Order and deal with the person convicted of the offence in such manner as he may have been liable to be dealt with for the offence in relation to which such Order was made. 35

(4) Where a court makes two or more Community Service Orders against a person convicted of two or more offences at the same trial, it may direct that the hours of work required to be done under any Community Service Order shall be concurrent with or in addition to the hours of work under any of the Community Service Orders made by the court at the same trial, subject to the condition that the total number of hours of work to be done by such person under all or any such Community Service Orders shall not exceed one thousand hours. 40 45

74B. (1) Whenever any court convicts a person for an offence punishable under Chapter XVI, Chapter XVII or Chapter XXI of this Code, it may, by its sentence, order that the offender shall make such monetary compensation as may be specified therein to the person mentioned in sub-section (5) for any loss or damage arising from such offence. 5

* * * * *

(2) The amount * * * of * compensation directed to be made under sub-section (1) shall not exceed the amount of fine which the court is empowered to impose. 10

(3) An order under sub-section (1) may be made in addition to * * * any other punishment to which the person convicted has been sentenced or where the offence is punishable with fine only, or with imprisonment for a period not exceeding three months, such order may be in lieu of any other punishment. 15

(4) Before passing any order under sub-section (1) the court shall take into consideration the nature of the offence, the motive therefor, the economic * * * status of the offender and of the person in whose favour such order is made, and all other relevant factors.

(5) The compensation under sub-section (1) may be directed to be paid— 20

(i) to any person who has incurred expenses in prosecution, for defraying expenses properly incurred;

(ii) to any person for any loss, damage or injury caused by the offence, when compensation therefor is, in the opinion of the court, recoverable by such person in a civil court; 25

(iii) in the case of a conviction for any offence for having caused the death of another person or of having abetted the commission of such an offence, to the persons who are, under the Fatal Accidents Act, 1855, entitled to recover damages from the person sentenced, for the loss resulting to them from such death; 30

(iv) in the case of a conviction for any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating or of having dishonestly received or retained, or of having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same to be stolen, to any bona fide purchaser of such property, for the loss of the same, if such property is restored to the possession of the person entitled thereto. 40

(6) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

(7) For the purposes of this Code and of the Code of Criminal Procedure, 1973, an award of compensation under sub-section (1) shall be deemed to be a sentence of fine. * * * 45

74C. (1) Whenever any person, having been convicted by a court in India of an offence specified in sub-section (3), is convicted again of a like offence, the court may, at the time of passing sentence, impose, in addition, the punishment of public censure by causing the offender's name, place of residence, the particulars of the offence and the punishment imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct. 5

(2) The expenses of such publication shall be recoverable from the offender as if it were a fine.

(3) The offences to which sub-section (1) applies are offences punishable under section 198A, Chapter XII, Chapter XIII, section 272 to section 276, section 383 to section 389, section 403 to section 409, section 415 to section 420A, section 462A and Chapter XVIII of this Code. 10

74D. Where any person holding office as a director or manager of a company or as a public servant is convicted of any offence committed in connection with the affairs of the company or with his office as public servant, the court may, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified from holding the same or similar office or exercising similar functions in the company or organisation where he was holding such office or in any other company or organisation, for a period not exceeding five years, if the court is of opinion that it is necessary to do so and may direct the publication of such order in the manner provided in section 74C. 15 20 25

Explanation—In this section, “public servant” does not include a person appointed to any public service or post in connection with the affairs of the Union or of any State who may be liable to such disqualification by or under any law.’ 25

28. For section 75 of the Penal Code, the following section shall be substituted, namely:— 30

“75. Whoever, having been convicted by a court in India of an offence punishable under this Code with imprisonment of either description for a term of three years or upwards and sentenced to imprisonment on such conviction, commits any offence punishable under this Code with imprisonment for the like term, shall be subject, for every such subsequent offence, to imprisonment for life, or to imprisonment of either description for a term which may extend to ten years: 35

Provided that this section shall not apply where the subsequent offence is committed by a person after the expiry of a period of three years from the date of his final release from prison after serving that sentence. 40

Explanation.—The period of three years shall, in the case of a person who has escaped from the prison, be counted from the date on which he would have been released if he had not escaped or the date of his actual release, whichever is later.” 45

29. For section 76 of the Penal Code, the following section shall be substituted, namely:—

“76. (1) Nothing is an offence which is done by a person who is bound by law to do it or is justified by law in doing it.

5 (2) Nothing is an offence which is done by a person who by reason of a mistake of fact and not by reason of mistake of law, in good faith, believes himself to be bound by law to do it or justified by law in doing it.

Illustrations

10 (a) A, an officer of a Court of Justice being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

(b) A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.”

30. Section 79 of the Penal Code shall be omitted.

20 31. For section 94 of the Penal Code, the following sections shall be substituted, namely:—

‘94. Except murder and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats which, at the time of doing it, reasonably cause the apprehension that instant death or grievous bodily harm, either to that person or to any near relative of that person present when the threats are made, will otherwise be the consequence, provided the person doing the act did not, of his own accord or from a reasonable apprehension of harm to himself short of instant death or grievous bodily harm, place himself in the situation by which he became subject to such constraint.

Explanation.—In this section,—

(a) “near relative” means parent, grand-parent, spouse, son,* daughter, brother, sister, son-in-law, daughter-in-law or grand-children;

(b) “grievous bodily harm” means hurt of the description specified in the first two clauses of section 320;

(c) a person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the

ground of his having been compelled by his associates to do anything that is an offence by law.

Illustration

A smith seized by a gang of dacoits and forced, by threat of instant death or grievous bodily harm, to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception. 5

Constructive
liability
of Companies

94A. (1) Where any offence is committed in furtherance of the affairs of a company by an employee thereof and any act constituting such offence is authorised, requested, commanded, ratified or is facilitated by any violation of a duty to maintain effective supervision, by any of the following or a combination of them, namely:— 10

(i) the Board of Directors, by whatever name called;

(ii) any director or manager of the company, by whatever name called, responsible for the supervision of the affairs of the company or for the supervision of any employee subordinate to such director or manager; 15

(iii) any person whether or not an officer of the company, who singly or in conjunction with other person, controls the company or its policy, 20

such company shall also be deemed to have committed the offence and be liable to be punished accordingly.

(2) If the offence referred to in sub-section (1) is one which requires a culpable mental state and the act constituting the offence has been committed by the employee referred to in that sub-section, then, for the purposes of that sub-section,— 25

(a) the company shall be deemed to have committed the offence and shall be liable to be punished accordingly;

(b) the court shall presume the existence of such mental state on the part of the employee, but it shall be a defence for the company to prove the fact that the employee had no such mental state with respect to the act charged as an offence in that prosecution. 30

Explanation 1.—In this sub-section, “culpable mental state” includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact. 35

Explanation 2.—For the purposes of this sub-section, the fact is said to be proved by the company only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance or probability. 40

(3) It shall be no defence in a prosecution under sub-section (1) that an individual, upon whose conduct the liability of the company for the offence is based, has not been prosecuted or is immune from prosecution or is not otherwise subject to justice. 45

Explanation.—For the purposes of this section and section 94B,—

(a) “company” means any body corporate and includes a firm or other association of individuals;

(b) “director”, in relation to a firm, means a partner in the firm.

94B. (1) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, or was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences
by
compa-
nies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

32. For section 99 of the Penal Code, the following section shall be substituted, namely:—

Substitu-
tion of
new sec-
tion for
section 99.

“99. (1) There is no right of private defence against an act which does not reasonably cause an apprehension of death or of grievous hurt, if the act is done or attempted to be done—

Restric-
tions on
the right
of private
defence.

(a) by a public servant acting in good faith in pursuance of the judgment or order of a Court of Justice, if the court had prima-facie jurisdiction to pass such judgment or order, and the public servant believes in good faith that the court had such jurisdiction;

(b) by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law; or

(c) by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

(2) A person is not deprived of the right of private defence by virtue of sub-section (1),—

(i) in a case falling under clause (a) thereof, unless he knows or has reason to believe that the person doing the act is a public servant and is acting in pursuance of the judgment or order of a Court of Justice or unless that person produces, if demanded, the authority in writing under which he is acting;

(ii) in a case falling under clause (b) thereof, unless he knows or has reason to believe that the person doing the act is a public servant; or

(iii) in a case falling under clause (c) thereof, unless he knows or has reason to believe that the person doing the act is acting by the direction of public servant, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces that authority, if demanded.

(3) The right of private defence in no case extends to the causing of more harm than it is necessary to cause for the purpose of defence.”

33. In section 100 of the Penal Code, for clauses *First to Sixthly*, the following clauses shall be substituted, namely:—

“(a) such an assault as may reasonably cause an apprehension that death or grievous hurt will otherwise be the consequence of the assault, or

(b) an assault with the intention of committing rape or having carnal intercourse against the order of nature, or

(c) an assault with the intention of kidnapping, or

(d) an assault with the intention of abducting where the abduction is an offence, or

(e) an assault with the intention of wrongfully confining a person in such circumstances as may reasonably cause him an apprehension that it will not be possible to have recourse to the public authorities for his release.”

34. In section 101 of the Penal Code, for the words “voluntary causing to the assailant of any harm other than death”, the words “voluntary causing of any harm other than death or the involuntary causing of death to the assailant” shall be substituted.

35. In section 103 of the Penal Code, for clauses *First to Fourthly*, the following clauses shall be substituted, namely:—

“(a) robbery, or

(b) theft, mischief or criminal trespass in such circumstances as may reasonably cause an apprehension that death or grievous hurt will be the consequence if the right of private defence is not exercised, or

(c) mischief by fire or explosive substance committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling or as a place of worship or as a place for the custody of property, or on any vehicle, or

(d) mischief to property used or intended to be used for the purposes of the Government or a local authority or a corporation owned or controlled by the Government, where such mischief is committed by intentional destruction of, or substantial damage to,

the property, or * * *

(e) hijacking of aircraft, or

(f) sabotage."

36. In section 104 of the Penal Code, for the words "voluntary causing to the wrong-doer of any harm other than death", the words "voluntary causing of any harm other than death or involuntary causing of death to the wrong-doer" shall be substituted.

37. For section 105 of the Penal Code, the following section shall be substituted, namely:—

10 "105. The right of private defence of property commences when a reasonable apprehension of danger to the property commences; and it continues—

(a) against robbery, as long as the offender continues in the commission of the offence of robbery or in causing or attempting to cause to any person death or hurt or wrongful restraint, or as long as the fear of instant death or of instant hurt or instant wrongful restraint continues, or till the offender has effected his retreat with the property;

(b) against theft, till the offender has effected his retreat with the property, or, if the property has been recovered earlier or the assistance of the public authorities has been obtained earlier, till such recovery of the property or the obtaining of such assistance;

(c) against mischief, criminal trespass, hijacking of aircraft, or sabotage, as long as the offender continues in the commission of the offence."

38. For sections 108 and 108A of the Penal Code, the following section shall be substituted, namely:—

30 "108. (1) A person abets an offence, who abets the doing of a thing which is that offence or which would be an offence if done by a person capable by law of committing that offence with the same intention or knowledge as that of the abettor.

Explanation 1.—A person who abets the abetment of an offence abets that offence.

35

Illustrations

(a) A instigates B to instigate C to murder Z. B accordingly instigates C and C murders Z in consequence of B's instigation. B has

committed the offence of abetting murder and is liable to be punished with the punishment provided for murder; and as A instigates B to commit the offence, A is also liable to the same punishment.

(b) If, in the foregoing *Illustration*, C refuses to murder Z, B has committed the offence of abetting murder, and is liable to be punished with imprisonment which may extend to seven years and with fine; and as A instigated B to commit the offence, A is also liable to the same punishment. 5

Explanation 2.—To constitute abetment of an offence, it is not necessary— 10

(a) that the act abetted should be committed; or

(b) that the effect requisite to constitute the offence should be caused; or

(c) that the person abetted should be capable by law of committing an offence, or should have any guilty intention or knowledge, or should commit offence. 15

Illustrations

(a) A instigates B to murder Z. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder Z. B in pursuance of the instigation stabs Z. Z recovers from the wound. A is guilty of abetting B to commit murder. 20

(c) A, intending to kill Z, instigates B, a child under ten years of age, to do an act which A knows will cause Z's death. B, in consequence of the instigation, does the act and thereby causes Z's death. Here B was not capable by law of committing an offence, but since his act would be murder if it had been committed by a person of full age with the same intention and knowledge as that of A, A is guilty of abetting murder. 25

(d) A, intending to take dishonestly an article belonging to Z out of his possession induces B to believe that the article belongs to A and instigates him to take it from Z's possession. B does so in good faith believing it to be A's property. Though B has no guilty intention or knowledge, A is guilty of abetting theft. 30

Explanation 3.—To constitute abetment of an offence that consists of an illegal omission of an act, it is not necessary that abettor himself should be bound to do that act. 35

Explanation 4.—It is not necessary to do an act of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed. 40

Illustration:

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a third person is to administer the poison, but without 45

mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here though A and C have not conspired together C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to be punished for murder.

(2) A person abets an offence, who, in India, abets the doing of any act outside India, which, if done in India, would constitute that offence.

Illustration

A in India, instigates B, a foreigner in Nepal, to commit a murder in Nepal. A is guilty of abetting murder."

39. In section 109 of the Penal Code,—

- (a) the words "by this Code" shall be omitted;
 (b) *Illustrations* (a), (b) and (c) shall be omitted.

40. For section 115 and 116 of the Penal Code, the following sections shall be substituted, namely:—

"115. Whoever abets the commission of a capital offence shall, if that offence be not committed in consequence of the abetment, and no express provision is made for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subjected to the punishment of death or imprisonment for life. Therefore, A is liable to imprisonment for a term which may extend to seven years and also to fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

116. Whoever abets an offence, not being a capital offence, shall, if that offence be not committed in consequence of the abetment, and no express provision is made for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for that offence, or with both;

and if the abettor is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with the punishment provided for the offence.

Illustrations

(a) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

(b) A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to the punishment provided for robbery.”

41. After section 117 of the Penal Code, the following section shall be inserted, namely:—

“117A. Whoever abets the commission by a child under fifteen years of age, of an offence punishable with imprisonment, whether or not the offence is committed in consequence of the abetment, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to twice the longest term of imprisonment provided for that offence, whichever is less, and shall also be liable to fine.”

42. In section 118 of the Penal Code, for the words “an offence punishable with death or imprisonment for life”, the words “a capital offence” shall be substituted.

43. In section 119 of the Penal Code, for the third, fourth and fifth paragraphs, the following shall be substituted, namely:—

“(a) if the offence be committed, shall be punished—

(i) in the case of a capital offence, with imprisonment of either description for a term which may extend to ten years;

(ii) in any other case, with imprisonment of any description provided for the offence for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both;

(b) if the offence be not committed, shall be punished—

(i) in the case of a capital offence, with imprisonment of either description for a term which may extend to five years;

(ii) in any other case, with imprisonment of any description provided for the offence for a term which may extend to one-fourth of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.”

44. In section 120 of the Penal Code, after the words “offence punishable with imprisonment”, the words “not being a capital offence” shall be inserted.

45. After Chapter VA of the Penal Code, the following Chapter shall be inserted, namely:—

“CHAPTER VB

· ATTEMPTS

5 120C. A person attempts to commit an offence, * * *
when—

(a) he, with the intention or knowledge requisite for committing it, does any act towards its commission;

10 (b) the act so done is closely connected with, and proximate to, the commission of the offence; and

(c) that act fails in its object because of facts not known to him or because of circumstances beyond his control.

Illustrations

15 (a) A, intending to murder Z, buys a gun and loads it. A is not yet guilty of an attempt to commit murder. A fires the gun at Z; he is guilty of an attempt to commit murder.

20 (b) A, intending to murder Z, by poison, purchases poison and mixes the same with food which remains in A's keeping; A is not yet guilty of an attempt to commit murder. A places the food on Z's table, or delivers it to Z's servant to place it on Z's table. A is guilty of an attempt to commit murder.

* * * * *

25 (c) A, with intent to steal jewels, breaks open Z's box, and finds that there is no jewel in it. As his act failed in its object because of facts not known to him, he is guilty of an attempt to commit theft.

30 120D. Whoever is guilty of an attempt to commit an offence punishable * * * with imprisonment for life or with imprisonment for specified term, shall, where no express provision is made * * * for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life, or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or
35 with both.”

46. In sections 122 and 123 of the Penal Code, for the words “imprisonment of either description”, the words “rigorous imprisonment” shall be substituted.

47. After section 123 of the Penal Code, the following section shall be
40 inserted, namely:—

“123A. Whoever assists in any manner an enemy at war with India, or the armed forces of any country against whom the armed forces of India are engaged in hostilities, whether or not a state of

war exists between that country and India, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—In this section—

(i) “armed forces of India” means the military, naval and air forces, and includes any other armed forces of the Union;

(ii) “enemy” includes any person or country committing external aggression against the Union or any person belonging to such country.”

48. For section 124A of the Penal Code, the following sections shall be substituted, namely:—

“124A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise,

excites, or attempts to excite, disaffection towards the Constitution, or the Government or Parliament of India, or the Government or Legislature of any State, or the administration of justice, as by law established,

intending or knowing it to be likely thereby to endanger the integrity or security of India or of any State, or to cause public disorder,

shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.—The expression “disaffection” includes feelings of enmity or hatred.

Explanation 2.—Comments expressing disapprobation of the provisions of the Constitution, or of the actions of the Government, or of the measures of Parliament or a State Legislature, or of the provisions for the administration of justice, with a view to obtain their alteration by lawful means without exciting or attempting to excite disaffection, do not constitute an offence under this section.

124B. Whoever deliberately insults the Constitution of India or any part thereof, the national flag, the national emblem or the national anthem, by burning, desecration or otherwise, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

49. In section 125 of the Penal Code, for the words “any Asiatic Power in alliance or at peace with the Government of India”, the words “any foreign State at peace with India” shall be substituted.

50. In section 126 of the Penal Code, for the words “any Power in alliance or at peace with the Government of India”, the words “any foreign State at peace with India” shall be substituted.

51. In sections 128, 129 and 130 of the Penal Code, the words “State prisoner or”; wherever they occur, shall be omitted.

52. For Chapter VII of the Penal Code, the following Chapter shall be substituted, namely:—

‘CHAPTER VII

OFFENCES RELATING TO THE ARMED FORCES

130A. In this Chapter,—

15 (a) “armed forces” means the military, naval and air forces, and includes any other armed forces of the Union;

(b) “officer”, in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces, and includes a junior commissioned officer, a warrant officer, a petty officer and a non-commissioned officer and a non-gazetted officer;

20

(c) “member”, in relation to the armed forces, means a person in the armed forces other than an officer.

131. Whoever abets the committing of mutiny by an officer or member of any of the armed forces shall,—

25 (a) if mutiny be committed in consequence of such abetment, be punished with death, or with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

30 (b) in any other case, be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

132. Whoever attempts to seduce any officer or member of any of the armed forces from his allegiance or his duty shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

5

133. Whoever abets an assault by an officer or member of any of the armed forces on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

10

134. Whoever abets an assault by an officer or member of any of the armed forces on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable 15 to fine.

135. Whoever abets the desertion of any officer or member of any of the armed forces shall,—

(a) if the desertion be committed in consequence of that abetment, be punished with imprisonment of either description 20 for a term which may extend to five years, or with fine, or with both;

(b) in any other case, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

25

136. Whoever, knowing or having reason to believe that an officer or member of any of the armed forces has deserted, harbours such officer or member, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

30

Exception.—This provision does not extend to the case in which the harbour is given by a wife to her husband.

137. The master or person in charge of a merchant vessel, on board of which any deserter from the armed forces is concealed, shall, though ignorant of such concealment, be liable to a penalty not 35 exceeding five hundred rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

138. Whoever abets what he knows to be an act of insubordination by an officer or member of any of the armed forces shall,—

5 (a) if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

(b) in any other case, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

10 138A. Whoever makes or publishes or circulates any statement, rumour or report, with intent to cause, or which is likely to cause, any officer or member of any of the armed forces to mutiny or otherwise disregard or fail in his duty as such officer or member, shall be punished with imprisonment of either description for a term which
15 may extend to three years, or with fine, or with both.

Explanation.—A person making, publishing or circulating any such statement, rumour or report, who has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent
20 as aforesaid, does not commit an offence under this section.

138B. Whoever—

25 (a) with intent to affect adversely the recruitment of persons to serve in the armed forces dissuades or attempts to dissuade the public or any person from entering any such forces, or

(b) without dissuading or attempting to dissuade from entering such forces, instigates the public or any person to do, after entering any such force, anything which is punishable as mutiny or insubordination under the law relating to that armed
30 force,

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Explanation.—The provisions of clause (a) do not extend to comment on, or criticism of, the policy of the Government in connection with the armed forces, made in good faith without any intention of dissuading from enlistment, or to advice given in good faith for the benefit of the individual to whom it is given, or of any member of his family, or of any of his dependants.
35

40 139. No person subject to the Army Act, 1950, the Navy Act, 1957, the Air Force Act, 1950, or any other law relating to the armed forces is subject to punishment under this Code for any of the offences defined in this Chapter.

140. Whoever, not being an officer or member of the armed forces, wears any garb or carries any token or document resembling any garb or token or document used by such an officer or member, with the intention that it may be believed that he is such an officer or member, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. 5

53. In section 141 of the Penal Code, for the *Third* clause, the following clause shall be substituted, namely:—

“*Third*—To commit any offence; or” 10

* * * * *

54. In section 153 of the Penal Code, the words “malignantly, or wantonly” shall be omitted.

55. In section 153A of the Penal Code,—

(a) in sub-section (1),— 15

(i) after the words “punished with imprisonment”, the words “of either description” shall be inserted;

(ii) the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—For the purposes of this sub-section, intention on the part of the offender to promote *** disharmony or feelings of enmity, hatred or ill-will is not a necessary ingredient of the offence.”; 20

(b) in sub-section (2), after the words “punished with imprisonment”, the words “of either description” shall be inserted. 25

56. In section 153B of the Penal Code, after the words “punished with imprisonment”, where they occur at both the places, the words “of either description” shall be inserted.

57. After section 153B of the Penal Code, the following section shall be inserted, namely:— 30

“153C. (1) Whoever makes, publishes or circulates any statement rumour or report—

(a) with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or 35

(b) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community; or

5 (c) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public, whereby any person may be induced to commit an offence against the public tranquillity,

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

10 *Exception.*—A person making, publishing or circulating any such statement, rumour or report, who has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid, does not commit an offence under this section.

15 (2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.”.

20 58. In section 154 of the Penal Code—

(a) for the words “the owner or occupier of the land”, the words “the owner, occupier or person in charge, of the land” shall be substituted;

25 (b) the words “and any person having or claiming an interest in such land,” shall be omitted;

(c) for the words “with fine not exceeding one thousand rupees”, the words “with imprisonment of either description for a term which may extend to six months, or with fine, or with both” shall be substituted;

30 (d) the following *Explanation* shall be added at the end, namely:—

Explanation.—For the purposes of this section, “the person in charge of the land” may be a person who does not have or claim an interest in such land.”.

35 59. In sections 155 and 156 of the Penal Code, for the words “with fine”, the words “with imprisonment of either description for a term which may extend to six months, or with fine, or with both” shall be substituted.

40 60. In section 157 of the Penal Code, for the words “harbours, receives or assembles”, the words “assembles, receives or shelters” shall be substituted.

61. In section 160 of the Penal Code, for the words “one month, or with fine which may extend to one hundred rupees”, the words “six months, or with fine” shall be substituted.

62. In section 161 of the Penal Code,—

(a) in the opening paragraph, for the words and figures “local authority, corporation or Government company referred to in section 21”, the words “local authority or corporation owned or controlled by the Government” shall be substituted; 5

(b) in the *Explanation*, for the fourth paragraph, the following paragraph shall be substituted, namely:—

‘“A motive or reward for doing.”—A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do or has not done, comes within 10 these words.’

63. In sections 162 and 163 of the Penal Code, for the words and figures “local authority, corporation or Government company referred to in section 21”, the words “local authority or corporation owned or controlled by the Government” shall be substituted. 15

64. In section 166 of the Penal Code, for the words “one year”, the words “three years” shall be substituted.

65. After section 166 of the Penal Code, the following section shall be inserted, namely:—

“166A. Whoever, being a public servant, so performs his func- 20
tions as such public servant as to maliciously cause injury to any
person, shall be punished with imprisonment of either description
for a term which may extend to one year, or with fine, or with
both.”.

66. In section 167 of the Penal Code,—

25

(a) for the words “or translation of any document, frames or, translates”, the words “of any document, prepares” shall be substituted;

(b) the following *Explanation* shall be added at the end, namely:—

30

‘*Explanation*.—The expression “preparation of any document” includes preparation of a copy or translation of a document.’

67. After section 167 of the Penal Code, the following section shall be inserted, namely:—

5 '167A. Whoever, being a public servant competent to authorise payment on behalf of the Government or other public authority in respect of any contract for the supply of any goods or services or the construction of any building or execution of other work, maliciously authorises such payment, knowing—

10 (a) in the case of a contract for the supply of goods, that the contractor has supplied goods which are less in quantity or extent than, or inferior in quality to, those he contracted to supply or which are, in any manner whatever, not in accordance with the contract; or

15 (b) in the case of a contract for rendering services, that the contractor has rendered services which are, in any manner whatever, not in accordance with the contract; or

20 (c) in the case of a contract for the construction of a building or execution of other work, that the contractor has used materials, which are less in quantity than, or inferior in quality to, those he had contracted to use, or which are, in any manner whatever, not in accordance with the contract,

shall, in the absence of any lawful excuse (the burden of proving which shall lie on him), be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

25 *Explanation.*—In this section, the word “public authority” means—

(a) a corporation owned or controlled by the Government;

(b) a local authority.’

30 68. In section 171 of the Penal Code, for the words “three months, or with fine which may extend to two hundred rupees”, the words “six months, or with fine” shall be substituted.

69. In section 171A of the Penal Code, for clause (b) the following clause shall be substituted, namely:—

35 ‘(b) “electoral right” means the right of a person at an election to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature, or to vote or refrain from voting.’

70. In sections 171E and 171F of the Penal Code, for the words “one year”, the words “two years” shall be substituted.

40 71. In section 171G of the Penal Code, for the words “shall be punished with fine”, the words “or in relation to the candidature or withdrawal of candidature of any candidate, shall be punished with imprisonment of either description which may extend to two years, or with fine, or with both” shall be substituted.

72. In section 171H * * * of the Penal Code—

(a) for the words “fine which may extend to five hundred rupees”, the words “imprisonment of either description which may extend to two years, or with fine, or with both” shall be substituted;

(b) the following *Explanation* shall be inserted at the end, 5
namely:—

“*Explanation.*—Any expenses incurred or authorised in connection with the election of a candidate by a political party shall not, for the purposes of this section, be deemed to be expenses incurred or authorised by the candidate in connection with the 10
election.”.

73. Section 171I of the Penal Code shall be omitted.

74. In sections 172 and 173 of the Penal Code,—

(a) for the words “one month, or with fine which may extend to five hundred rupees”, the words “three months, or with fine” 15
shall be substituted;

(b) after the words “to produce a document”, the words “or other thing” shall be inserted;

(c) for the words “six months, or with fine which may extend to one thousand rupees”, the words “one year, or with fine” shall 20
be substituted.

75. In section 174 of the Penal Code,—

(a) for the words “one month, or with fine which may extend to five hundred rupees”, the words “three months, or with fine” shall be substituted; 25

(b) for the words “six months, or with fine which may extend to one thousand rupees”, the words “one year, or with fine” shall be substituted;

(c) the *Illustrations* shall be omitted.

76. In section 175 of the Penal Code,—

(a) after the word “document”, where it occurs at both the places, the words “or other thing” shall be inserted; 30

(b) for the words “one month, or with fine which may extend to five hundred rupees”, the words “three months, or with fine” shall be substituted; 35

(c) for the words “six months, or with fine which may extend to one thousand rupees”, the words “one year, or with fine” shall be substituted;

(d) the *Illustration* shall be omitted.

77. In section 176 of the Penal Code,—

(a) for the words "one month, or with fine which may extend to five hundred rupees", the words "three months, or with fine" shall be substituted;

5 (b) for the words "six months, or with fine which may extend to one thousand rupees", where they occur at both the places, the words "one year, or with fine" shall be substituted.

78. In section 177 of the Penal Code,—

10 (a) the words "which may extend to one thousand rupees" shall be omitted;

(b) the *Illustrations* shall be omitted;

(c) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

15 '*Explanation.*—In section 176 and in this section, the word "offence" includes any act committed at any place outside India, which, if committed in India, would be punishable under this Code; and the word "offender" includes any person who is alleged to have been guilty of any such act'.

79. In sections 178 and 179 of the Penal Code, the words "which may
20 extend to one thousand rupees" shall be omitted.

80. In section 180 of the Penal Code, for the words "three months, or
with fine which may extend to five hundred rupees", the words "six
months, or with fine" shall be substituted.

81. In section 182 of the Penal Code, for the words "six months, or
25 with fine which may extend to one thousand rupees", the words "one
year, or with fine" shall be substituted.

82. In section 183 of the Penal Code,—

(a) the words "which may extend to one thousand rupees" shall be omitted;

30 (b) the following *Explanation* shall be added at the end, namely:—

Explanation.—For the purposes of this section, a public servant shall be deemed to be acting under lawful authority if he acts in good faith and under colour of his office." * * *

40 83. In section 184 of the Penal Code, for the words "imprisonment of
either description for a term which may extend to one month, or with
fine which may extend to five hundred rupees, or with both", the words
"fine which may extend to one thousand rupees" shall be substituted.

84. In section 185 of the Penal Code, for the words "imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both", the words "fine which may extend to one thousand rupees" shall be substituted.

85. In section 186 of the Penal Code,—

5

(a) for the words "three months, or with fine which may extend to five hundred rupees", the words "six months, or with fine" shall be substituted;

(b) the following *Explanation* shall be added at the end, namely:—

10

Explanation.—For the purposes of this section, a public servant shall be deemed to be acting in the discharge of his public functions if he acts in good faith and under colour of his office." * * *

86. In section 187 of the Penal Code,—

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(a) for the words "simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both", the words "fine which may extend to one thousand rupees" shall be substituted;

(b) in the second paragraph, the word "which may extend to five hundred rupees" shall be omitted.

20

87. In section 188 of the Penal Code,—

(a) for the portion beginning with the words "disobeys such direction" and ending with the words "one thousand rupees, or with both", the following shall be substituted, namely:—

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"disobeys such direction, shall be punished—

(a) if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, with imprisonment of either description for a term which may extend to one year or with fine, or with both;

30

(b) if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any person lawfully employed, with simple imprisonment for a term which may extend to three months, or with fine, or with both;

35

(c) if by such disobedience any market or public institution is compelled to be closed or the movement of any vehicle in any public way, is compelled to be suspended, with simple imprisonment for a term which may extend to three months, or with fine, or with both;

40

(d) in any other case, with fine";

(b) the *Explanation* shall be numbered as *Explanation 1*, and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

Explanation 2.—In clause (c),—

- 5 (a) “vehicle” includes any vessel; and
 (b) “public way” includes any public water-way.’

88. In section 193 of the Penal Code,—

- (a) in *Explanation 2*, the *Illustration* shall be omitted;
 10 (b) after *Explanation 3*, the following *Explanation* shall be inserted, namely:—

“*Explanation 4.*—For the purposes of this section, it is immaterial whether the fabricated evidence is or is not legally admissible in the proceeding in which it is intended to be used.”

89. In section 194 of the Penal Code, after the words “the person who
 15 gives”, the words “or fabricates” shall be inserted.

90. After section 198 of the Penal Code, the following sections shall be inserted, namely:—

20 “198A. Whoever, being a medical practitioner, issues or signs any medical certificate or certificate of fitness, knowing that such certificate is false in any material particular, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;

25 and, if he knows that the certificate is intended to be used in any stage of judicial proceeding, he shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Explanation.—In this Code, ‘medical practitioner’ means a person practising medicine and registered as such under any law relating to the registration of persons practising medicine.

30 198B. Whoever dishonestly obtains, or corruptly uses or attempts to use any medical certificate or certificate of fitness referred to in section 198A as a true certificate, knowing the same to be false in any material particular, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or
 35 with both;

and, if he so uses or attempts to use it in any stage of a judicial proceeding, he shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

40 91. In section 204 of the Penal Code, after the word “document”, where it occurs at both the places, the words “or other thing” shall be inserted.

92. After section 207 of the Penal Code, the following section shall be inserted, namely:—

“207A. Whoever, knowing or having reason to believe that any movable property has been lawfully attached by the order of a Court of Justice or other competent authority, dishonestly or fraudulently, ⁵ removes or interferences with such property otherwise than in accordance with law, shall, whether or not he was a party to the proceedings in which the order was made, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”. 10

93. For section 211 of the Penal Code, the following section shall be substituted, namely:—

“211. Whoever, with intent to cause injury to any person,—

(a) institutes or causes to be instituted in a Court of Justice any criminal proceeding against that person, knowing that there ¹⁵ is no just or lawful ground for such proceeding against that person; or

(b) falsely charges that person in a Court of Justice with having committed an offence, knowing that there is no just or lawful ground for such charge against that person 20

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both;

and if such criminal proceeding be instituted on a false charge of an offence punishable with imprisonment for seven years or a more severe sentence, he shall be punished with imprisonment of ²⁵ either description for a term which may extend to seven years, and shall also be liable to fine.”.

94. In section 213 of the Penal Code, the following shall be inserted at the end, namely:—

Explanation.—It is not necessary to the commission of an offence ³⁰ under this section that the offender should have done, or desisted from doing, what he undertook to do or to desist from doing.

Exception.—The provisions of this section do not extend to any case in which the offence may lawfully be compounded.”.

95. In section 214 of the Penal Code, for the *Exception* the following ³⁵ shall be substituted, namely:—

Explanation.—It is not necessary to the commission of an offence under this section that the other person should have done, or desisted from doing, what he undertook to do, or to desist from doing. 40

Exception.—The provisions of this section do not extend to any case in which the offence may lawfully be compounded.”

96. In section 216A of the Penal Code,—

5 (a) for the words “or have recently committed robbery or dacoity”, the words, figures and letters “the offence of kidnapping or abduction punishable under section 363A, section 364 or section 364A, or of robbery or dacoity” shall be substituted.

10 (b) for the words “such robbery or dacoity, or of screening them or any of them from punishment”, the words “such offence” shall be substituted;

(c) in the *Explanation*, for the words “robbery or dacoity”, the word “offence” shall be substituted.

97. In sections 217 and 218 of the Penal Code, for the words “legal punishment”, the words “punishment for an offence” shall be substituted.

98. In section 228 of the Penal Code,—

(a) for the words “six months”, the words “two years” shall be substituted;

(b) the words “which may extend to one thousand rupees” shall be omitted.

20 **99.** For section 229 of the Penal Code, the following section shall be substituted, namely:—

25 “229. Whoever, by threats, or other corrupt means, dissuades or attempts to dissuade any person from giving evidence before a public servant legally competent to examine him as a witness, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.”

* * * * *

100. For section 230 of the Penal Code, the following section shall be substituted, namely:—

30 “230. “Coin” is metal used for the time being as money, and stamped and issued by the authority of the Government of India, or of the Government of a country outside India in order to be so used.

Explanation.—Metal which has been stamped and issued by the authority of the Government of India in, order to be used as money

shall continue to be coin for the purposes of this Chapter, notwithstanding that it may have ceased to be used as money.’.

101. Sections 231, 233, 236, 237, 239, 242, 246, 248, 250 and 252 of the Penal Code shall be omitted.

102. In section 232 of the Penal Code,—

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(a) for the words “Indian coin”, the words “any coin” shall be substituted;

(b) the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—A person commits this offence who intending 10 to practise deception, or knowing it to be likely that deception 1 will thereby be practised, causes a genuine coin to appear like a different coin.”.

103. In sections 234, 238 and 243 of the Penal Code, for the words “Indian coin”, the words “any coin” shall be substituted.

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104. In section 235 of the Penal Code,—

(a) for the words “three years”, the words “ten years” shall be substituted;

(b) the second paragraph shall be omitted.

105. In section 240 of the Penal Code, for the words “which is a 20 counterfeit of Indian coin, and which, at the time when he became possessed of it, he knew to be a counterfeit of Indian coin”, the words “which, at the time when he became possessed of it, he knew to be a counterfeit coin” shall be substituted.

106. In section 247 of the Penal Code,—

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(a) for the words “any Indian coin”, the words “any coin” shall be substituted;

(b) the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—A person who scoops out a part of the coin 30 and puts anything else into the cavity alters the composition of that coin.”.

107. In section 249 of the Penal Code, for the words "any Indian coin", the words "any coin" shall be substituted.

108. In section 254 of the Penal Code, for the words and figures "section 246, 247, 248 or 249", the words and figures "section 247 or section 249" shall be substituted.

109. After section 254 of the Penal Code, the following section shall be inserted, namely:—

10 "254A. Whoever dishonestly inserts or uses in a machine which sells goods or services or collects fares or tolls, anything that is intended to pass for, but is not, the coin or the token of value that the machine is designed to receive in exchange for the goods, services, fare or toll, as the case may be, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

15 110. For section 263A of the Penal Code, the following sections shall be substituted, namely:—

'263A. The provisions of sections 247, 249 and 251 shall apply in relation to postage stamps issued by the Government of a foreign country as they apply in relation to revenue stamps.

20 263B. (1) Whoever—

(a) makes, knowingly utters, deals in or sells any fictitious postage stamp, or knowingly uses for any postal purpose any such stamp, or

25 (b) has in his possession, without lawful excuse, any such stamp, or

(c) makes or, without lawful excuse, has in his possession, any die, plate, instrument or material for making any such stamp,

shall be punished with fine which may extend to two hundred rupees.

30 (2) Any such stamp, die, plate, instrument or material in the possession of any person for making any fictitious postage stamp may be seized and, if seized, shall be forfeited.

(3) In this section, "fictitious postage stamp" means any stamp falsely purporting to be issued by the Government of India or of a foreign country for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by such Government for that purpose. 5

263C. Whoever makes any preparation for committing any offence punishable under this Chapter shall be punished with imprisonment for a term which may extend to one-half of the term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both. 10

111. In sections 264, 265, 266 and 267 of the Penal Code, for the words "one year", the words "two years" shall be substituted.

112. In section 269 of the Penal Code, for the words "six months", the words "one year" shall be substituted.

113. In section 270 of the Penal Code,— 15

(a) for the word "malignantly", the word "wilfully" shall be substituted;

(b) for the words "two years", the words "three years" shall be substituted.

114. In sections 272, 273, 274, 275 and 276 of the Penal Code, for the words "six months, or with fine which may extend to one thousand rupees", the words "seven years or with fine" shall be substituted. 20

115. In section 277 of the Penal Code,—

(a) for the words "or reservoir", the words "well, reservoir or any other source of supply of water" shall be substituted; 25

(b) for the words "three months, or with fine which may extend to five hundred rupees", the words "one year, or with fine" shall be substituted.

116. In section 278 of the Penal Code, for the words "fine which may extend to five hundred rupees", the words "imprisonment of either description for a term which may extend to six months or with fine, or with both" shall be substituted. 30

117. In section 279 of the Penal Code, the words "which may extend to one thousand rupees" shall be omitted.

118. After section 279 of the Penal Code, the following section shall be inserted, namely:—

‘279A. Whoever knowingly or negligently drives or permits any person to drive any vehicle on a public way when that vehicle is in such a state or so loaded as to endanger life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Explanation.—In this section—

- (a) “vehicle” includes any vessel; and
 (b) “public way” includes any public water-way.’

119. In sections 280, 282, 284, 285, 286, 287, 288 and 289 of the Penal Code, the words “which may extend to one thousand rupees” shall be omitted.

120. In sections 283 and 290 of the Penal Code, the words “which may extend to two hundred rupees” shall be omitted.

121. In section 292 of the Penal Code, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Where, in any prosecution under this section, the question is whether the publication of any book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other object of general concern, the opinion of experts as to its scientific, literary, artistic, academic or other merit may be admitted in evidence.”

122. After section 292 of the Penal Code, the following section shall be inserted, namely:—

‘292A. Whoever—

(a) prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view, or distributes or causes to be distributed or in any manner puts into circulation, any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail, or

(b) sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail, or

(c) conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire, distributed or pub-

licly exhibited or in any manner put into circulation, or

(d) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased, or

(e) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail can be procured from or through any person, or

(f) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both:

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years, and with fine.

Explanation 1.—For the purposes of this section, the word “scurrilous” shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure the reputation of any person:

Provided that it is not scurrilous—

(a) to express in good faith any opinion respecting the conduct of—

(i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further, or

(ii) any person touching any public question and respecting his character, so far as his character appears in that conduct and no further; and

(b) to make any imputation concerning any person which is true, if it is for the public good that such imputation should be made or published.

Explanation 2.—In deciding whether any person has committed an offence under this section, the court shall have regard, *inter alia*, to the following considerations, namely:—

(a) the general character of the person charged, and where relevant, the nature of his business;

(b) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(c) any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section.

123. For section 294A of the Penal Code, the following sections shall be substituted, namely:—

294A. (1) Whoever, in connection with any lottery promoted or proposed to be promoted, whether in India or elsewhere,

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(a) prints any tickets for use in the lottery; or

(b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or

10

(c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution,

(i) any advertisement of the lottery; or

(ii) any list, whether complete or not, of prize winners or winning tickets in the lottery; or

15

(iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or

20

(d) brings, or invites any person to send, into India for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or

(e) sends or attempts to send out of India any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution or the identity of the holder, of any ticket or chance in the lottery; or

25

(f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or

(g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

30

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Nothing in this section applies in relation to a lottery which is a State lottery or is authorised by the State Government.

* * * * *

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294B. Whoever sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any ticket, coupon or other document for use in a State lottery or a lottery authorised by a State Government, in any State (not being the State wherein such State lottery has been organised or authorised) without the permission of the Government of that State, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

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licly exhibited or in any manner put into circulation, or

(d) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased, or

(e) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail can be procured from or through any person, or

(f) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both:

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years, and with fine.

Explanation 1.—For the purposes of this section, the word “scurrilous” shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure the reputation of any person:

Provided that it is not scurrilous—

(a) to express in good faith any opinion respecting the conduct of—

(i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further, or

(ii) any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further; and

(b) to make any imputation concerning any person which is true, if it is for the public good that such imputation should be made or published.

Explanation 2.—In deciding whether any person has committed an offence under this section, the court shall have regard, *inter alia*, to the following considerations, namely:—

(a) the general character of the person charged, and where relevant, the nature of his business;

(b) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(c) any evidence offered, or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section.

123. For section 294A of the Penal Code, the following sections shall be substituted, namely:—

294A. (1) Whoever, in connection with any lottery promoted or proposed to be promoted, whether in India or elsewhere,—

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(a) prints any tickets for use in the lottery; or

(b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or

10

(c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution,—

(i) any advertisement of the lottery; or

(ii) any list, whether complete or not, of prize winners or winning tickets in the lottery; or

15

(iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or

20

(d) brings, or invites any person to send, into India for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or

(e) sends or attempts to send out of India any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution or the identity of the holder, of any ticket or chance in the lottery; or

25

(f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or

(g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

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shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Nothing in this section applies in relation to a lottery which is a State lottery or is authorised by the State Government.

* * * * *

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294B. Whoever sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any ticket, coupon or other document for use in a State lottery or a lottery authorised by a State Government, in any State (not being the State wherein such State lottery has been organised or authorised) without the permission of the Government of that State, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

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124. For section 302 of the Penal Code, the following section shall be substituted, namely:—

“302. (1) Whoever commits murder shall, save as otherwise provided in sub-section (2), be punished with imprisonment for life and shall also be liable to fine. 5

(2) Whoever commits murder shall,—

(a) if the murder has been committed after previous planning and involves extreme brutality; or

(b) if the murder involves exceptional depravity; or

(c) if the murder is of a member of any armed forces of the Union or of any police force or of any public servant whose duty it is to preserve peace and order in any area or place, while such member or public servant is on duty; or 10

(d) if the murder has been committed by him, while under sentence of imprisonment for life, and such sentence has become final, 15

be punished with death, or imprisonment for life, and shall also be liable to fine.”.

125. Section 303 of the Penal Code shall be omitted.

126. In section 304A of the Penal Code, for the words “two years”, the words “five years” shall be substituted. 20

127. After section 304A of the Penal Code, the following section shall be inserted, namely:—

‘304B. Whoever by rash or negligent driving of any vehicle causes the death of any person or causes any injury which is likely to cause the death of such person, the causing of such death not amounting to culpable homicide, and drives or runs away without informing any police station within a reasonable time, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. 30

Explanation 1.—Where the act constituting the offence under section 304A or this section is committed while under the influence of drink or drug shall be deemed to have been committed in a rash or negligent manner.

Explanation 2.—In this section “vehicle” includes vessel.’. 35

128. In section 305 of the Penal Code, for the words “death or imprisonment for life, or”, the words “imprisonment for life, or rigorous” shall be substituted.

129. For sections 307 and 308 of the Penal Code, the following sections shall be substituted, namely:—

5 “307. Whoever attempts to commit murder shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused thereby to any person, the offender may,—

(a) if under sentence of imprisonment for life, be punished with death or imprisonment for life;

10 (b) in any other case, be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years.

15 308. Whoever attempts to commit culpable homicide not amounting to murder shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both, and if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration

20 A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death, he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.”

130. Section 309 of the Penal Code shall be omitted.

25 131. In section 312 of the Penal Code, after the words “causes a woman with child to miscarry”, the words and figures “except in accordance with the provisions of the Medical Termination of Pregnancy Act, 1971,” shall be inserted.

34 of 1971.

30 132. In section 313 of the Penal Code, for the words “imprisonment for life, or with imprisonment of either description for a term which may extend to ten years”, the words “rigorous imprisonment for a term which may extend to ten years” shall be substituted.

* * * * *

133. For section 320 of the Penal Code, the following section shall be substituted, namely:—

35 “320. The following kinds of hurt only are designated as grievous:—

(1) deprivation or impairment of the sight of either eye or the hearing of either ear;

(2) deprivation or destruction of any organ, member or joint;

(3) permanent impairment of the powers of any organ, member or joint;

(4) permanent disfiguration of the head or face; 5

(5) fracture or dislocation of a bone or tooth;

(6) any hurt which endangers life or which causes the sufferer to be in severe bodily pain for fifteen days.”

134. In section 323 of the Penal Code, the words “which may extend to one thousand rupees” shall be omitted. 10

135. In section 327 of the Penal Code, for the words “ten years”, the words “seven years” shall be substituted.

136. For section 328 of the Penal Code, the following section shall be substituted, namely:—

“328. Whoever administers to, or causes to be taken by, any person 15
any poison or any stupefying, intoxicating or unwholesome substance with intent to commit, or to facilitate the commission of, an offence, shall be punished with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.”

137. In section 329 of the Penal Code, the words “imprisonment for 20
life, or” shall be omitted.

* * * * *

138. In section 334 of the Penal Code, for the words “with imprisonment 25
of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both”, the words “with fine which may extend to one thousand rupees” shall be substituted.

139. In section 335 of the Penal Code,—

(a) for the words “four years”, the words “three years” shall be substituted; 30

(b) the words “which may extend to two thousand rupees” shall be omitted.

140. In section 336 of the Penal Code,—

(a) for the words “three months”, the words “six months” shall be substituted; 35

(b) for the words "two hundred and fifty rupees", the words "five hundred rupees" shall be substituted.

141. In section 337 of the Penal Code,—

5 (a) for the words "six months", the words "one year" shall be substituted;

(b) the words "which may extend to five hundred rupees" shall be omitted.

142. In section 338 of the Penal Code,—

10 (a) for the words "two years", the words "three years" shall be substituted;

(b) the words "which may extend to one thousand rupees" shall be omitted.

143. For sections 341 to 344 of the Penal Code, the following sections shall be substituted, namely:—

15 "341. Whoever wrongfully restrains any person, shall be punished with fine which may extend to one thousand rupees; and, if the offence is jointly committed by ten or more persons, every one of them shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

20 342. Whoever wrongfully confines any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and, if the offence is jointly committed by ten or more persons, every one of them shall be punished with imprisonment of either description for a term which
25 may extend to three years, and shall also be liable to fine.

343. Whoever wrongfully confines any person for five days or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine."

30 144. In section 352 of the Penal Code, for the words "three months, or with fine which may extend to five hundred rupees", the words "six months, or with fine" shall be substituted.

145. After section 354 of the Penal Code, the following section shall be inserted, namely:—

35 "354A. Whoever assaults or uses criminal force to any minor under sixteen years of age in an indecent, lascivious or obscene manner, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

146. In section 356 of the Penal Code, for the words “on any property”, the words “of any property” shall be substituted.

147. In section 361 of the Penal Code,—

(a) for the *Explanation*, the following *Explanation* shall be substituted, namely:— 5

Explanation.—In this section, the expression “lawful guardian” includes any person who has lawful custody of a minor or of a person of unsound mind.’;

(b) in the *Exception*, for the word “unlawful”, the word “illegal” shall be substituted. 10

148. For section 362 of the Penal Code, the following sections shall be substituted, namely:—

‘362. Whoever—

(a) by force or show of force compels, or by any deceitful means induces, any person to go from any place, or to move to 15 a place other than the place of destination of that person, or

(b) takes any person away from any place without the consent of that person or some person legally authorised to consent on behalf of that person,

is said to abduct that person. 20

362A. (1) Whoever on board an aircraft in flight, being an aircraft registered in India, or any other aircraft in flight over Indian air space, unlawfully by force or show or threat of force or by any other form of intimidation seizes such aircraft or exercises control over it or attempts to seize or exercise control over it for the 25 purpose of landing it at a place other than the place of its destination or for any other purpose, is said to commit the offence of hijacking of aircraft and whoever commits such hijacking shall be punished with imprisonment for life, and shall also be liable to fine.

(2) Whoever on board a vehicle in India or a vehicle registered 30 in India unlawfully by force or show or threat of force or by any other form of intimidation seizes such vehicle or exercises control over it or attempts to seize or exercise control over it for the purpose of taking it to a place other than the place of its destination or for any other purpose, is said to commit the offence of hijacking of 35 vehicle and whoever commits such hijacking shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—In this section—

(i) the period during which an aircraft is in flight shall be 40 deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until

the moment when the landing run, if any, at the termination of that flight ends;

(ii) the word "vehicle" includes any vessel but does not include an aircraft.'

5 * * * * *

149. After section 364 of the Penal Code, the following section shall be inserted, namely:—

10 "364A. Whoever kidnaps or abducts any person in order that such person may be held to ransom shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine."

150. For sections 366 and 366A of the Penal Code, the following sections shall be substituted, namely:—

"366. Whoever kidnaps or abducts any woman—

15 (a) with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or

20 (b) with intent that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse,

shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

25 366A. (1) Whoever, by means of criminal intimidation or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punished with rigorous imprisonment which may extend to ten years, and shall also be liable to fine.

30 (2) Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punished with rigorous imprisonment which may extend to ten years and shall also be liable to fine."

35 151. In section 366B of the Penal Code, for the word "imprisonment", the words "rigorous imprisonment" shall be substituted.

152. In section 367 of the Penal Code, for the words "imprisonment of either description", the words "rigorous imprisonment" shall be substituted.

153. For section 368 of the Penal Code, the following section shall be substituted, namely:—

5

"368. Whoever, knowing that any person has been kidnapped or abducted, wrongfully conceals or confines such person shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine."

154. In section 369 of the Penal Code, for the words "with imprisonment of either description for a term which may extend to seven years", the words "with rigorous imprisonment for a term which may extend to seven years, but which shall not be less than two years" shall be substituted.

155. In sections 370, 371 and 372 of the Penal Code, for the words "imprisonment of either description", the words "rigorous imprisonment" shall be substituted.

156. In section 373 of the Penal Code, after *Explanation II*, the following *Explanation* shall be inserted, namely:—

"*Explanation III.*—For the purposes of this section, it is not necessary that the possession of the minor should have been obtained from a third person."

157. For the heading "Of Rape" and sections 375 and 376 of the Penal Code, the following heading and sections shall be substituted, namely:—

'Sexual Offences

25

375. A man is said to commit rape when he has sexual intercourse with a woman, other than his wife,—

(a) against her will, or

(b) without her consent, or

(c) with her consent when it has been obtained by putting her in fear of death or of hurt, either to herself or to anyone else present at the place, or

30

(d) with her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married, or

5 (e) with or without her consent, when she is under sixteen years of age.

* * * * *

Explanation 1.—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

10 *Explanation 2.*—A woman living separately from her husband under a decree of judicial separation or by mutual agreement shall be deemed to be a woman other than his wife for the purpose of this section.

376. Whoever commits rape shall,—

15 * * * * *

(i) if the woman raped is a woman referred to in *Explanation 2* to section 375, be punished with imprisonment of either description for a term which may extend to three years;

(ii) in any other case, be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years,

and shall also be liable to fine.

25 376A. Whoever, being a public servant, takes undue advantage of his official authority and seduces any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

30 376B. Whoever, being the superintendent or manager of a women's or children's institution or holding any other office in such institution by virtue of which he can exercise any authority or control over its inmates, takes undue advantage of his official position and seduces any female inmate of the institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

40 *Explanation.*—In this section, “women's or children's institution” means an institution, whether called an orphanage or a home for neglected women or children or a widows' home or by any other name,

which is established and maintained for the reception and care of women or children.

* * * * *

376C. Whoever, being concerned with the management of a hospital or being on the staff of a hospital, has sexual intercourse with a woman who is receiving treatment for a mental disorder in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine. 10

* * * * *

158. For section 377 of the Penal Code, the following section shall be substituted, namely:—

“377. Whoever voluntarily has carnal intercourse against the order of nature with any man or woman shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and where such offence is committed by a person over eighteen years of age with a person under that age, the imprisonment may extend to seven years. 15

Explanation.—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.” 20

159. For sections 380 and 381 of the Penal Code, the following sections shall be substituted, namely:—

“380.(1) Whoever commits theft,—

(a) in any building or tent used as a human dwelling or for the custody of property, or 25

(b) in, or in respect of, any vehicle, vessel or aircraft used for the transport of goods or passengers, or

(c) in a temple, mosque, church, gurdwara or other place which is or was or had been used as a place of worship open to the public, in respect of any property which belongs to, or is part of, such place of worship, or which is intended for the purpose of worship, or 30

(d) in respect of any property of the Government or of a local authority or of a corporation owned or controlled by the Government, 35

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever commits theft in respect of any antiquity or art treasure shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine. 40

Explanation.—In this sub-section, the expressions “antiquity” and “art treasure” shall have the meanings assigned to them in the Antiquities and Art Treasures Act, 1972.

380A. Whoever, taking advantage of the occurrence of an accident in a public place or of a fire, flood, riot earthquake or similar calamity in any area commits theft in that place or area, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

381. Whoever, being employed in any capacity by another person, commits theft in respect of any property in the possession of that person, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

381A. Whoever puts any person in a state of intoxication or unconsciousness by means of drink or drug or by any other method, in order to commit theft of any property in the possession of such person and commits theft of any such property, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine."

160. After section 385 of the Penal Code, the following section shall be inserted, namely:—

'385A. Whoever by words either spoken or intended to be read, or by signs or by visible representations, dishonestly threatens any person with the making or publication of any imputation which is likely to harm his reputation or the reputation of any near relative of that person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.—In this section, "near relative" shall have the meaning assigned to it in section 94.

Explanation 2.—Where the threat is of accusation of the commission of an offence, it is immaterial whether the accusation is true or false.'

161. In sections 388 and 389 of the Penal Code, for the words "may be punished with imprisonment for life", the following shall be substituted, namely:—

"may be punished—

(a) with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and

(b) with imprisonment of either description for a term which may extend to seven years, where such offence is committed by a person over eighteen years of age with a person under that age."

162. For section 396 of the Penal Code, the following section shall be substituted, namely:—

“396. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall,— 5

(a) where the murder is committed in the circumstances specified in clause (a), clause (b), clause (c) or clause (d), of sub-section (2) of section 302, be punished with death, or imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, 10

(b) in any other case, be punished with imprisonment for life, or rigorous imprisonment for a term which may extend to ten years,

and shall also be liable to fine.”.

163. In section 397 of the Penal Code, the words “uses any deadly weapon, or” shall be omitted. 15

164. In section 398 of the Penal Code,—

(a) after the words “at the time of”, the words “committing or” shall be inserted,

(b) for the words “seven years”, the words “five years” shall be substituted. 20

165. In section 399 of the Penal Code, *** for the words “ten years”, the words “seven years” shall be substituted.

166. After section 399 of the Penal Code, the following section shall be inserted, namely:— 25

‘399A. Whoever makes any preparation for committing robbery shall be punished with rigorous imprisonment for a term which may extend to five years, and shall also be liable to fine.’.

167. In sections 400 and 401 of the Penal Code, for the words “Whoever, at any time after the passing of this Act, shall belong”, the words “Whoever belongs” shall be substituted. 30

168. In section 402 of the Penal Code, for the words “, at any time after the passing of this Act, shall be one of five”, the words “is one of five” shall be substituted.

169. In section 403 of the Penal Code, *Explanation 1* and *Explanation 2* shall be re-numbered as *Explanation 2* and *Explanation 3* respectively and before *Explanation 2* as so re-numbered, the following *Explanation* shall be inserted, namely:—

“Explanation 1.—A partner in a partnership appropriating for his own use any property of the partnership without authority to do so under the partnership agreement and without the consent of the other partner, may be guilty of an offence under this section.”.

170. In section 404 of the Penal Code, after the words “converts to his own use”, the word “any” shall be inserted.

171. In section 408 of the Penal Code, for the words “being a clerk or servant or employed as a clerk or servant”, the words “being employed in any capacity” shall be substituted.

172. In section 409 of the Penal Code, the word “factor,” shall be omitted.

173. For section 410 of the Penal Code, the following section shall be substituted, namely:—

‘410. Property, the possession whereof has been transferred by theft, extortion, robbery or cheating, or property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as “stolen property” whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without India. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Explanation.—Property, the possession whereof has been transferred by an act which would otherwise be an offence specified in this section but is not that offence by virtue of section 82 or section 83 or section 84 shall be deemed to be stolen property.

Illustration

A, a child, six years of age, snatches away a necklace from another child, voluntarily causing hurt to that child. Z, knowing this fact, dishonestly receives the necklace from A. Though A’s act is not robbery by virtue of section 82, the necklace is stolen property, and Z has committed the offence defined in section 411.’

174. In sections 411 and 414 of the Penal Code, after the words “with both”, the following shall be inserted, namely:—

“and if the stolen property is the property of the Government or of a local authority or of a corporation owned or controlled by the Government and the offender knows or has reason to believe it to be

so, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.”.

175. For section 415 of the Penal Code, the following section shall be substituted, namely:—

‘415. Whoever, by deceiving any person.—

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(a) fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or

(b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to any person in body, mind, reputation or property or wrongful gain to any person,

10

is said to “cheat”.

Explanation.—A dishonest concealment of facts, or, where there is a legal duty to disclose particular facts, a dishonest omission to disclose those facts, is a deception within the meaning of this section.’

15

176. For section 420 of the Penal Code, the following sections shall be substituted, namely:—

‘420. Whoever cheats and thereby dishonestly induces the person deceived—

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(a) to deliver any property to any person, or

(b) to consent that any person shall retain any property, or

(c) to make, alter or destroy the whole or any part of a valuable security, or

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(d) to make, alter or destroy anything which is signed or sealed and which is capable of being converted into a valuable security,

shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

30

420A. Whoever, in the performance of any contract with the Government or a local authority or a corporation owned or controlled by the Government, for the supply of any goods or the construction of any building or execution of other work—

(a) in the case of a contract for the supply of goods, dishonestly or fraudulently supplies goods which are less in quantity than, or inferior in quality to, those he contracted to supply,

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or which are, in any manner whatever, not in accordance with the contract, or

5 (b) in the case of a contract for the construction of a building or execution of other work, dishonestly or fraudulently uses materials which are less in quantity than, or inferior in quality to, those he contracted to use, or which are, in any manner whatever, not in accordance with the contract,

shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

10 420B. (1) Whoever publishes or causes to be published any advertisement containing a statement which purports to be a statement of fact but which is untrue, deceptive or misleading or is intentionally so worded or arranged that it is deceptive or misleading,

15 (a) to promote, directly or indirectly, the sale or disposal of property or any interest therein, or

(b) to promote a business or commercial interest,

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

20 (2) Whoever publishes or causes to be published in an advertisement a statement or guarantee of the performance, efficacy or length of life or of any thing which is not based upon an adequate and proper test of that thing, the proof of which lies upon the accused, shall, if the advertisement is published to promote, directly
25 or indirectly, the sale or disposal of that thing or interest therein, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

30 *Exception.*—A person who publishes an advertisement which he accepts in good faith for publication in the ordinary course of his business as a publisher shall not be liable to be punished under this section.

35 *Explanation.*—The word “advertisement” includes any notice, circular, label, wrapper or other document and any announcement made orally or by any means of producing or transmitting light, sound or smoke.

40 420C. Whoever with intent to mislead, injure or defraud any person or the public in general, makes or causes to be made any transfer of property belonging to a company by gift, sale or otherwise, or with such intent alters, removes or conceals any signboard or name plate of the company or does any act to indicate that the company has ceased to exist shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

45 *Explanation.*—In this section, “company” means any body corporate and includes a firm or other association of individuals.’

177. For sections 426 to 432 of the Penal Code, the following sections shall be substituted, namely:—

“426. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. 5

427. Whoever commits mischief by doing any act in respect of any property or machinery of the Government or of a local authority or of a corporation owned or controlled by the Government and thereby causes loss or damage to the amount of one hundred rupees or upwards, such act not amounting to the offence of sabotage shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. 10

428. Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of two hundred rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. 15

429. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause,— 20

(a) a diminution of the supply of water to the public or to any person for any purpose; or

(b) an inundation of, or obstruction to, any public drainage, such act not amounting to the offence of sabotage, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. 25

430. Whoever commits mischief by doing any act which renders any public road, bridge, navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, such act not amounting to the offence of sabotage, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. 30

431. Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. 35

432. Whoever commits mischief by doing any act whereby he destroys or moves or renders less useful any air-route, beacon or aerodrome light, or any light at or in the neighbourhood of an air-route or aerodrome provided in compliance with law, or any other thing exhibited or used for the guidance of aircraft, such act not amounting to the offence of sabotage, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

178. For sections 434 to 440 of the Penal Code, the following sections shall be substituted, namely:—

“434. Whoever commits mischief to any aircraft or to any decked vessel or to any vessel of a burden of twenty tonnes or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that aircraft or vessel, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and if such mischief is committed or attempted by fire or any explosive substance, shall be punished with imprisonment for life, or with the punishment aforesaid.

435. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause damage to any property to the amount of one hundred rupees or upwards, shall, where the offence does not amount to the offence of sabotage, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

436. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of,—

(a) any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property; or

(b) any object therein which is held sacred by any class of persons,

shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

437. (1) Whoever does any act with intent to impair the efficiency or impede the working of, or to cause loss, damage or destruction to—

(a) any building, installation or other property, used in connection with the production, distribution or supply of water, light, power or energy;

(b) any sewage works;

(c) any mine or factory;

(d) any laboratory or institution where scientific or technological research is conducted; 10

(e) any means of public transportation or of tele-communications or any building, installation or other property used in connection therewith,

is said to commit the offence of "sabotage" and whoever commits sabotage shall be punished with imprisonment of either description 15 for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever commits sabotage by doing any act which is or is likely to be prejudicial to—

(a) the sovereignty or integrity of India, 20

(b) the security of India or any part thereof,

(c) the friendly relations of India with any foreign country,

shall be punished with imprisonment for life, and shall also be liable to fine.

(3) The provisions of sub-section (1) or sub-section (2) shall 25 apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to a local authority or to any corporation owned or controlled by the Government or to any person, to do, as they apply to the doing of any act by a person. 30

(4) Nothing in sub-section (3) shall apply to a person who—

(a) stops work as a result of a failure to arrive at an agreement with his employer on any matter relating to his employment;

(b) stops work as a result of his taking part in such activity 35 in combination with other workmen or employees for the purpose of protecting their own legitimate rights as workmen or employees:

Provided that such stoppage of work is not prohibited by or under any law for the time being in force. 40

438. Whoever makes any preparation for committing sabotage shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine."

179. For section 441 of the Penal Code, the following section shall be substituted, namely:—

“441. Whoever—

5 (a) enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or

(b) having entered into or upon such property without such intent, unlawfully remains there with such intent,

is said to commit criminal trespass.”.

10 180. For sections 443 to 460 of the Penal Code, the following sections shall be substituted, namely:—

“443. A person commits burglary, if—

(a) he commits house-trespass in order to commit theft; or

(b) having committed house-trespass, he commits theft.

15 444. Whoever—

(a) commits house-trespass in order to commit any offence punishable with imprisonment for a term of seven years or upwards; or

20 (b) having committed house-trespass, commits any such offence as aforesaid,

shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.”.

25 445. Whoever commits criminal trespass, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

446. Whoever commits house-trespass, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

447. Whoever commits house-trespass, having made preparation—

30 (a) for causing hurt to, or assaulting or wrongfully restraining, any person, or

(b) for putting any person in fear of hurt, assault or wrongful restraint,

35 shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

448. Whoever commits burglary, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

449. Whoever, whilst committing burglary or an offence under section 444,—

(a) causes grievous hurt to any person, or

(b) attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

450. If, at the time of committing the offence of burglary or an offence under section 444, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such offence shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.”.

181. After section 462 of the Penal Code, the following Chapter shall be inserted, namely:—

‘CHAPTER XVIIIA

OFFENCES RELATING TO PRIVATE EMPLOYMENT

462A. (1) Whoever, being employed or engaged by another, accepts or obtains or agrees to accept or attempts to obtain, from any person, other than the person who employed or engaged him, for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward—

(a) for doing or for bearing to do any act in relation to the affairs or business of the employer or of the person who engaged him; or

(b) for showing or forbearing to show, in the exercise of his functions, favour or disfavour to any person in relation to the affairs or business of the employer or of the person who engaged him,

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Explanation 1.—The word “gratification” is not restricted to pecuniary gratification, or to gratifications estimable in money.

Explanation 2.—The words “legal remuneration” are not restricted to remuneration which any employee can lawfully demand, but include all remuneration which he is permitted by his employer to accept.

Explanation 3.—“A motive or reward for doing.” A person who receives a gratification as a motive or reward for doing what he does

not intend or is not in a position to do or has not done, comes within these words.

(2) Nothing contained in sub-section (1) shall apply to—

5 (a) any member of a profession whose conduct or discipline is regulated by any other law in this behalf; or

(b) any act of a public servant which is punishable under this Code or any other law in this behalf.

182. In section 464 of the Penal Code,—

10 (a) in paragraph *First*, after the words “at a time”, the words “or place, when the time or place is material” shall be inserted;

(b) in paragraph *Secondly*, after the words “by cancellation”, the words “addition, obliteration” shall be inserted.

183. In section 465 of the Penal Code, for the words “two years”, the words “three years” shall be substituted.

15 184. In section 466 of the Penal Code,—

(a) for the words “Whoever forges a document, purporting to be”, the words “Whoever commits forgery in respect of a document which is, or purports to be,” shall be substituted;

20 (b) for the words “or document purporting to be made”, the words “or document made” shall be substituted;

(c) for the words “seven years”, the words “ten years” shall be substituted.

185. In section 467 of the Penal Code,—

25 (a) for the words “Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person”, the words “Whoever commits forgery in respect of a document which is, or purports to be, a valuable security or a will, or an authority to adopt a person or” shall be substituted;

30 (b) for the words “or any document purporting to be an acquittance”, the words “or an acquittance” shall be substituted;

(c) the words “with imprisonment for life, or” shall be omitted.

186. For sections 470 and 471 of the Penal Code, the following sections shall be substituted, namely:—

35 “470. A document in respect of which, or any part of which, forgery has been committed is a forged document.

471. Whoever fraudulently or dishonestly uses as genuine any document which he knows, or has reason to believe, to be a forged document—

(a) shall, if the document is one of the description mentioned in section 466 or section 467, be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and

(b) shall, in any other case, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”.

* * * * *

187. In section 473 of the Penal Code, for the words “seven years”, the words “ten years” shall be substituted.

188. For section 474 of the Penal Code, the following section shall be substituted, namely:—

“474. Whoever has in his possession any document of the description mentioned in section 466 or section 467, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.”.

* * * * *

189. In section 476 of the Penal Code, for the words “seven years”, the words “ten years” shall be substituted.

190. In section 477 of the Penal Code,—

(a) for the words “or an authority to adopt a son,”, the words “or an authority to adopt a person” shall be substituted;

(b) the words “with imprisonment for life, or” shall be omitted;

(c) for the words “seven years”, the words “ten years” shall be substituted.

191. In section 477A of the Penal Code, for the words “being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant”, the words “being employed in any capacity and acting in that capacity” shall be substituted.

192. In section 489E of the Penal Code,—

(a) in sub-section (1), the words “which may extend to one hundred rupees” shall be omitted;

(b) in sub-section (2), the words “which may extend to two hundred rupees” shall be omitted.

193. After section 489E of the Penal Code, the following section shall be inserted, namely:—

5 “489F. Whoever makes any preparation for committing any offence punishable under section 489A to section 489E shall be punished with imprisonment for a term which may extend to one-half of the imprisonment provided for that offence, or with fine, or with both.”.

194. For Chapter XIX of the Penal Code, the following Chapter shall be substituted, namely:—

10

“CHAPTER XIX

OFFENCE AGAINST PRIVACY

15 490. (1) Whoever, knowing that any artificial listening or recording apparatus has been introduced into or in the vicinity of any premises without the knowledge or consent of the person in possession of the premises, listens to any conversation with the aid of such apparatus or uses such apparatus for the purposes of recording any conversation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

20 (2) Whoever publishes any conversation or a record thereof, knowing that it was listened to or recorded with the aid of any artificial listening or recording apparatus introduced into or in the vicinity of any premises without the knowledge or consent of the person in possession of the premises, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

30 491. (1) Whoever, intending to cause, or knowing it to be likely that he will cause, annoyance to any person, takes a photograph of that person without his consent elsewhere than in a public place, or takes his photograph in a public place when that person has prohibited such taking, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

35 (2) Whoever, intending to cause, or knowing it to be likely that he will cause, annoyance to any person, publishes any photograph of that person taken in contravention of sub-section (1) shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

(3) Whoever, takes a photograph of a place, building or thing knowing that the taking of such photograph is prohibited by a written

notice affixed in such place, building or thing shall, except when the taking of such photograph is specifically authorised or permitted by the owner or occupant of such place, building or thing, be punished with simple imprisonment which may extend to six months, or with fine, or with both. 5

(4) Whoever knowingly publishes any photograph taken in contravention of sub-section (3) shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

492. Nothing in section 490 or section 491 shall apply— 10

(a) to a public servant acting in good faith in the course of his duties connected with the security of State, the prevention, detention or investigation of offences, the administration of justice, or the maintenance of public order; or

(b) to persons acting under the directions of such public 15
servant; or

(c) to the use by any person of any artificial listening or recording apparatus for any purpose authorised or permitted under any law.

195. For section 494 of the Penal Code, the following section shall be 20
substituted, namely:—

“494. Whoever, being married, marries again where such later marriage is void by reason of its taking place during the subsistence of the earlier marriage, commits bigamy and shall be punished with imprisonment for a term which may extend to seven years, and shall 25
also be liable to fine.

Explanation 1.—For the purposes of this section, a person shall be deemed to marry again whatever legal defect there may be in contracting, celebrating or performing such later marriage.

Explanation 2.—Where a marriage has been dissolved by a decree 30
of a competent court but the parties are, by virtue of a provision of the enactment under which their marriage is dissolved, prohibited from re-marrying within a specified period, then, for the purposes of this section, the marriage shall, notwithstanding its dissolution, be deemed to subsist during that period. 35

Exception.—The offence is not committed by any person who contracts the later marriage during the life of the spouse by earlier marriage, if, at the time of the later marriage such spouse has been continually absent from such person for seven years and has not, within that period, been heard of by such person as being 40
alive, provided the person contracting the later marriage informs the person with whom it is contracted of the real state of facts so far as the same are within his or her knowledge.”

196. For section 497 of the Penal Code, the following section shall be substituted, namely:—

5 “497. Whoever has sexual intercourse with a person who is, and whom he or she knows, or has reason to believe, to be the wife or husband, as the case may be, of another person, without the consent or connivance of that other person, such sexual intercourse by the man not amounting to the offence of rape, commits adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.”

10 197. In section 499 of the Penal Code, in the *Fourth Exception*,—

(a) after the words “report of the proceedings”, the words “in open court” shall be inserted;

(b) the *Explanation* shall be omitted.

15 198. For section 500 of the Penal Code, the following section shall be substituted, namely:—

“500. (1) Whoever defames another shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

20 (2) Where the offence has been committed by publishing an imputation in a newspaper, the court convicting the offender may further order that its judgment shall be published, in whole or in part, in such newspaper as it may specify.

(3) The costs of such publication shall be recoverable from the convicted person as if it were a fine.

25 *Explanation.*—The court may, before passing a sentence under this section, take into consideration the question whether the guilt of the accused is aggravated by the plea and the nature of the evidence adduced to prove or disprove it.”

199. In sections 501 and 502 of the Penal Code, for the words “simple imprisonment”, the words “imprisonment of either description” shall be substituted.

200. Section 505 of the Penal Code shall be omitted.

201. After section 507 of the Penal Code, the following section shall be inserted, namely:—

* * * * *

‘507A. (1) Whoever—

(a) affixes to, or inscribes or exhibits on, any place open to public view any objectionable matter, or 5

(b) damages, destroys or defaces any place open to public view,

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. 10

(2) In this section,—

(a) “place open to public view” includes any private place or building, monument, statue, post, wall, fence, tree or other thing or contrivance visible to a person being in, or passing along, any public place; 15

(b) “objectionable matter” means any effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations which is—

(i) likely to incite any person to commit, murder, sabotage or any offence involving violence; or 20

(ii) likely to seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or 25

(iii) likely to incite any section of the public to acts of violence against any other section thereof; or

(iv) deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or 30

(v) grossly indecent, or scurrilous or obscene or intended for blackmail.’

202. In section 510 of the Penal Code, for the words “with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten rupees, or with both”, the words “with imprisonment till rising of the court or with fine which may extend to one hundred rupees” shall be substituted. 35

203. Chapter XXIII of the Penal Code shall be omitted.

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20 of 1938. 204. (1) As from the commencement of the Indian Penal Code (Amendment) Act, 1976, the Criminal Law Amendment Act, 1938, shall stand repealed.

10 of 1897. (2) The provisions of section 6 of the General Clauses Act, 1897 shall, so far as may be, apply in respect of any investigation, legal proceeding or remedy that may be instituted, continued or enforced after the repeal of the enactment referred to in sub-section (1).

APPENDIX I

(Vide para 3 of the Report)

Motion in the Rajya Sabha for reference of the Bill to the Joint Committee

"That the Bill further to amend the Indian Penal Code be referred to a Joint Committee of the Houses consisting of 45 members; 15 members from this House, namely:—

1. Shri Sasankasekhar Sanyal
2. Shri M. Ruthnaswamy
3. Shri Virendra Kumar Sakhalecha
4. Shri Ram Sahai
5. Shri Suraj Prasad
6. Shri Nageshwar Prasad Shahi
7. Shri Syed Hussain
8. Shri Anand Narain Mulla
9. Shri Vithal Gadgil
10. Shrimati Sumitra G. Kulkarni
11. Shri Syed Ahmed
12. Shri M. Srinivasa Reddy
13. Shri V. V. Swaminathan
14. Shri Shyam Lal Yadav
15. Shri Ram Niwas Mirdha.

and 30 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the first day of the last week of the Winter Session (1973) of the Rajya Sabha; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

APPENDIX II

(Vide para 4 of the Report)

Motion in the Lok Sabha

“That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Indian Penal Code, made in the motion adopted by Rajya Sabha at its sitting held on the 14th December, 1972 and communicated to this House on the 15th December, 1972 and do resolve that the following 30 members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

1. Shri P. Ankineedu Prasadarao
2. Shri Banamali Babu
3. Shri R. V. Bade
4. Shri H. K. L. Bhagat
5. Shri Muhammed Khuda Bukhsh
6. Shri B. E. Choudhari
7. Shri Khemchandbhai Chavda
8. Shri Madhu Dandavate
9. Shri G. C. Dixit
10. Shri Tarun Gogoi
11. Shri Dinesh Joarder
12. Shri Z. M. Kahandole
13. Shri G. Y. Krishnan
14. Shri Yamuna Prasad Mandal
15. Shri Pилоo Mody
16. Shri F. H. Mohsin
17. Shri Niti Raj Singh Chaudhury
18. Shri D. K. Panda
19. Shri R. Balakrishna Pillai
20. Choudhury Ram Sewak
21. Shri K. Narayana Rao
22. Shri M. Satyanarayan Rao
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri Shambhu Nath
26. Shri B. R. Shukla
27. Shri Ram Shekhar Prasad Singh
28. Shri S. N. Singh
29. Shri G. Viswanathan
30. Shri R. P. Yadav.

APPENDIX III

(Vide para 10 of the Report)

List of Persons from whom Memoranda, Replies to Questionnaire etc. on the Subject Matter of the Bill were received by the Joint Committee

1. Shri P. T. Gupta, Retired District Judge, Indore.
2. The Judicial Commissioner, Court of Goa, Daman and Diu, Panaji.
3. Advocate General, Government of West Bengal, Calcutta.
4. The State Bar Council of Madhya Pradesh, Jabulpur.
5. Shri A. S. Bhatnagar, Muzaffar Nagar, U.P.
6. The General Secretary, Newspapers Publishers' Association, Ludhiana.
7. Shri Ram Akshaibat Yadav, Lucknow.
8. Shri H. C. Nath, Advocate General, Government of Tripura, Tripura.
9. Shri Bakshi Sita Ram, Advocate General, Government of Himachal Pradesh, Simla.
10. Shri Indra Kumar Sharma, Jodhpur.
11. Shri R. V. Kelkar, Reader, Faculty of Law, University of Delhi, Delhi.
12. Shri F. S. Nariman, Additional Solicitor General of India.
13. The Principal, the Professors and the Students of the Dr. Ambedkar College of Law, Aurangabad.
14. Shri H. C. Dholakia, Dean Faculty of Law, M. S. University of Baroda, Baroda.
15. Shri Om Prakash Punglia, Advocate, Jodhpur.
16. Report of the Committee appointed by the Chief Justice, High Court, Bombay.
17. Delhi State Akali Dal, Delhi.
18. High Court of Delhi, New Delhi.
19. Chandigarh Administration, Chandigarh.
20. Hon'ble Judges of the Rajasthan High Court.
21. The Dean, Faculty of Law, Jiwaji University, Gwalior.
22. General Secretary, Delhi Kirayadar Association, Delhi and Workers Mazdoor Sangh, Delhi.
23. Shri K. Subrahmanyam, Secretary, Popular Hospital Committees, Tiruvilwamala.
24. Dr. A. Gupta, Director, Bureau of Police Research and Development, New Delhi.
25. Shri D. N. Sandanshiv, Principal, Dr. Ambedkar College of Law, Aurangabad.
26. Shri Nalawada T. F. Advocate, Nanded, Aurangabad.

27. Shri S. B. Nakade, Principal, Dayanand College of Law, Latur (Maharashtra).
28. The Head of the Department of Law, Punjabi University, Patiala.
29. Shri R. B. Jethmalani, Senior Advocate, Bombay.
30. The Head of the Law Department, Government Arts and Commerce College, Indore.
31. The Dean of the Faculty of Law and the Chairman of the Board of Studies in Law, Shivaji University, Kolhapur.
32. The District Bar Association, Badaun.
33. The Bar Association of India, New Delhi.
34. Supreme Court Bar Association, New Delhi.
35. The Bar Council of Uttar Pradesh, Allahabad.
36. The District Bar Association Baripada, Mayurbhanj.
37. The Faculty of Law, University of Kurukshetra, Kurukshetra (Haryana).
38. Shri Ishar Das, Delhi.
39. Women Graduates Union, Bombay.
40. Shri Hem Datta, Shillong.
41. North Arcot District Bidi & Tobacco Merchants Association, Vellore (Tamil Nadu State).
42. Shri S. V. L. Narasimham, Advocate, Supreme Court, Guntur-2.
43. Shri U. C. Sarkar, Professor and Principal, University College of Law, Calcutta.
44. Shri Anil Kumar Chanda, Chairman, All India Handicrafts Board, New Delhi.
45. Shri M. B. Kurup, Senior Public Prosecutor, Office of the Advocate General, Kerala, Ernakulam.
46. The Delhi Hindustani Mercantile Association, (Regd.) Delhi.
47. The Civil Bar Association, Deoria.
48. The Bar Association Almora, District Almora, (U.P.).
49. The Bar Association of Ashta District, Sehore, Madhya Pradesh.
50. The District Bar Association, Gulbarga.
51. The Jamnagar Bar Association, Jamnagar.
52. The Bar Association Purulia, (West Bengal)
53. The Judges, High Court, Madras.
54. The Chief Justice and Judges of the Punjab and Haryana High Court (Chandigarh).
55. The University College of Law, Osmania University, Hyderabad.
56. The Haryana Government (Home Department) Chandigarh.
57. The Bar Association, Merta, Rajasthan.
58. The Government of Tripura, Agartala.
59. The Bar Association, Aligarh.
60. The Bihar State Bar Council, Patna.
61. Saurashtra University, Rajkot.

62. Central Bar Association, Lucknow.
63. The Bar Association, Raishighnagar.
64. The Collectorate Bar Association Etah, (U.P.).
65. The Bar Association Gyanpur, Varanasi.
66. The Bar Association, Supaul.
67. The Bar Association Nimbahers, District Chittorgarh, (Rajasthan).
68. The Ganjam Bar Association, Berhampur-4.
69. The Lucknow Bar Association, Lucknow.
70. The Bar Association, Shahjahanpur.
71. The Avadh Bar Association, High Court, Lucknow.
72. The Bar Association, Bareilly.
73. The Bar Association, Sitapur.
74. The Rajasthan High Court Advocates Association, Jodhpur.
75. The Bar Association, Ranikhet.
76. The Bar Association, Chitradurga (Mysore State).
77. The Agra Bar Association, Civil Courts, Agra.
78. The Bar Council of Delhi, Delhi.
79. The Dean, Faculty of Law, Vikram University.
80. The Socialist Unity Centre, Calcutta.
81. The Institute of Chartered Accountants of India, New Delhi.
82. The Bar Association, Bali.
83. The Bar Association, Kodinar.
84. The Bar Association UNNAO, Uttar Pradesh.
85. The Bar Association, Gaya.
86. Shri R. K. Bhatt, Lawyers Chambers Supreme Court, New Delhi.
87. The Bar Association of Fatehgarh, Fatehgarh.
88. The Bar Association of Gorakhpur.
89. The Rajkot Court Bar Association, Rajkot.
90. The Bar Council of Gujarat, Ahmedabad-9.
91. Lawyers of Silchar, Karimganj, Hailkandi in the District of Cochar.
92. The Bar Association, Achalpur.
93. The Calicut Bar Association, Calicut
94. The Surendranagar Bar Association, Surendranagar.
95. The Civil Bar Association, Muzaffar Nagar.
96. The Bar Association Aklera District, Jhalawar (Rajasthan).
97. The Madras Bar Association, Madras.
98. The Bar Association and Library, Moradabad.
99. The Bar Association, Firozabad, Agra, U.P.
100. The Bar Association, Athani.
101. The Bar Association Sindgi District, Bijapur, Mysore.
102. The Bar Association, Barh (Bihar).

103. The Bar Association District Court, Mehsana, Gujarat.
104. The Bar Association, Churu.
105. The Bar Association, Jammu.
106. The Kopargaon Bar Association, Kopargaon.
107. The Advocates Association, Arsikero.
108. The Bar Association, Chikodi (Distt. Belgaum).
109. The Rajkot Criminal Bar Association, Rajkot.
110. The Bar Association, Baroda.
111. The Bar Association, Chikmagalur.
112. The Bar Association, Tonk (Rajasthan).
113. The Bar Association, Virajpet.
114. The Bar Association, Civil Courts, Ajmer.
115. The Bar Association of Udaipura (Raisen) M.P.
116. The District Bar Association, Bara Banki.
117. The Bar Association, Tumkur.
118. The Bar Association, Kumata, Mysore.
119. The Bar Association, Kollegal.
120. The Bar Association, Meerut.
121. The Bar Association Aurad, Tq. Aurad Distt. Bider (Mysore State).
122. The Bar Association, S. Kanara.
123. The Bar Association, Mirzapur.
124. The Bar Association, Nanjangud. (Mysore).
125. The Bar Association, Yadgir, Distt. Gulbarga.
126. The Advocate's Association, Chamarajanagar.
127. The Bar Association, Srirangapatha.
128. Shri Lekh Raj, Retired Police Officer, Panipat.
129. Shri Thakur Prasad Saksena, Advocate, Supreme Court, P.O. Snadatganj, Lucknow.
130. Agra University, Agra.
131. The Bar Association, Dholka, District Ahmedabad (Gujarat State).
132. The Bar Council of Orissa, Cuttack-2.
133. The Chief Justice and Other Judges of Patna High Court:—
to (a) Shri S. Sarwar Ali.
- 137 (b) Shri B. D. Singh.
(c) Shri S. P. Singh.
(d) Shri Madan Mohan Prasad.
138. The Government of Rajasthan, Jaipur.
139. Prof. T. S. Rama Rao, The Professor of International and Constitutional Law of University of Madras, Madras.
140. The Bar Association, Pilibhit.
141. The Andhra Pradesh High Court Advocates' Association, Hyderabad-2.

142. The Bar Association, Faizabad.
143. Shri Ravindra Nath, 100, Jagannathpur, Gorakhpur.
144. The Executive of District Bar Association, Fatehpur.
145. The Bar Association, Sirohi.
146. The Bar Association. Civil Courts, Ajmer.
147. The District Bar Association, Azamgarh.
148. The Barsi Bar Association, Barsi.
149. The Bar Association, Mysore.
150. The Bar Association Shorapur District Gulbarga.
151. The President, Chhotanagpur Bhumi Rakshak Party, P.O. Sadaknadu, District, Ranchi.
152. Prof. M. S. Phirangi, Karnatak University College of Law, Dharwar.
153. The Bar Council of Kerala.
154. The West Bengal Lawyers Association.
155. The Palanpur Bar Association.
156. Mr. Justice R. S. Bindra, Gauhati High Court, High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura, Gauhati.
157. The Advocates' Association, Doddaballapur.
158. The General Body Meeting of the Mirzapur Adhivakta Sangh, Mirzapur.
159. The All India Crime Prevention Society, Kanpur-12.
160. The High Court of Orissa, Cuttack.
161. The Bar Association Manvi District Raichur.
162. The Bar Association of Jalpaiguri.
163. Shri B. N. Gokhale, Bombay.
164. Shri P. Sabanayagam, I.A.S. Chief Secretary, Government of Tamil Nadu.
165. Shri Om Prakash Chaube, Ujjain.
166. Vaid Babulal Pandayya, Ujjain.
167. Gramouthan Vidyapeth Library, (Rajasthan).
168. The Ram Rajya Parishad, New Delhi.
169. The Collector Bar Association, Gazipur.
170. The Lawyers Association, Kanpur.
171. The Bar Association, Neemkathana.
172. The Civil Bar Association, Gazipur.
173. The Abibashak, Ratangarh.
174. The Income Tax Bar Association, Calcutta.
175. The Bar Association, Gadag.
176. The Advocates' Association, Bangalore.
177. The Bar Association, Eluru.
178. The Commercial Taxes Bar Association, Calcutta.

179. Shri Pritam Singh, Rajneetak Weekly, Ludhiana.
180. The Ahmedabad Criminal Courts Bar Association.
181. The Bar Council of the State of Andhra Pradesh, Hyderabad.
182. The High Court of Judicature, Madras.
183. The Vikas Samiti (Regd.), Delhi.
184. Shri Shambhu Chaturvedi, Gorakhpur (U.P.)
185. The Bar Council of Uttar Pradesh, Allahabad.
186. The Law & Legislative Department Government of Madhya Pradesh.
187. The Law & Judiciary Department, Government of Maharashtra, Bombay.
188. The Siliguri Bar Association, Siliguri, Distt. Darjeeling.
189. The Advocates' Association, Jalpaiguri.
190. Shri Akhileshwar Prasad, Senior Advocate, Mongyr.
191. Shri S. P. Sen Varma, 19, Safdarjang Road, New Delhi.
192. The Advocates' Bar Association, Siliguri, West Bengal.
193. The Lawyers' Bar Association, Alipurduar, District Jalpaiguri, West Bengal.
194. The Bar Association, Sirsi, Mysore.
195. The District Bar Association, Buldana.
196. The Government of Assam, Home Deptt., Police Branch, Shillong.
197. Dr. R. S. Hingorani, Professor and Dean, Faculty of Law, Patna University, Patna.
198. The Bar Council of West Bengal.
199. Shri S. D. Balsara, Professor of Law, Government Law College, Bombay.
200. District Bar Association, Dhulia.
201. Advocates Bar Association, Malda.
202. National Labour Party, Ahmedabad.
203. Shri P. M. Pant, I. G. Police, Gujarat State, Ahmedabad.
204. U.P. Commission of Jurists, Mathura.
205. Bihar State Bar Council, Patna.
206. The Bar Council of India, New Delhi.
207. Convention of the Lawyers of Calcutta and surrounding areas, Calcutta.
208. Accountants' Library, Calcutta.
209. Textile Labour Association, National Labour Organisation, Bhadra, Ahmedabad.
210. Justice P. Ramakrishnan, Retd. Judge, Madras High Court, Madras.
211. Shri S. N. Rath, Advocate, Berhampur (Ganjam), Orissa.
212. Shri R. K. Padhi, Inspector General of Police, Cuttack, Orissa.

213. Shri Ajit Kumar Datta, Advocate, Supreme Court of India, 67, Southern Avenue, Calcutta.
214. Shri S. C. Goil, I.A.S., Inspector General of Prisons, Uttar Pradesh, Lucknow.
215. Secretary Judicial, West Bengal Government, Calcutta.
216. Calcutta High Court Bar Association, Calcutta.
217. Bar Association, Wardha.
218. The Ahmedabad Criminal Courts Bar Association, Ahmedabad.
219. The Centre of India Trade Unions, 172, Lanin Sarani, Calcutta.
220. The Sholapur Bar Association, Sholapur.
221. The President, All India Women's Conference, New Delhi.
222. The Akola Bar Association, Akola.
223. The Mukteans' Bar Association, Midrapur.
224. The Mangalore Bar Association, Mangalore.
225. Shri H. K. Thakore, Ahmedabad.
226. The Bar Association, Jalgaon District, Jalgaon.
227. The Inspector General of Police, Government of Andhra Pradesh, Hyderabad.
228. Andhra University, Waltair.
229. The Government of Andhra Pradesh (Home Courts. B) Department.
230. Shri Parduman Kumar, Legal Advisor, (Director Public Prosecution), Delhi Police, Delhi.
231. Secretary (Law and Judicial), Delhi Administration, Delhi.
232. The State Government, Haryana, Administration of Justice Department, Chandigarh.
233. Mr. Justice Ajay Kumar Basu, High Court, Appellate side, Calcutta.
234. Justice Om Prakash Trivedi and Justice Jagmohan Lal Sinha of High Court of Judicature at Allahabad.
235. The Bar Association, Bhir.
236. The Kerala Bar Federation, Ernakulam.
237. Shri T. C. N. Menon, Senior Government Pleader, High Court of Kerala, Ernakulam.
238. Shri S. Sivaraman, Additional District Judge, North Parur, Kerala State.
239. Dr B. R. Chauhan, Professor & Head, Department of Laws, Dean, Faculty of Law, Himachal Pradesh University, Simla.
240. Shri Joseph Dina Nath, O.S.D. (Law) to the Government of Himachal Pradesh, Simla.
241. Shri G. John Arthur, Chief Presidency Magistrate, Egmore, Madras.
242. Shri P. S. Usuf, Public Prosecutor, District Court, Ernakulam.
243. Daniel M. K., Engineering Contractors, Kakkad P.O. Piravom, Kerala.
244. The Bar Association, Quilandi.

245. Shri T. A. S. Iyer, Deputy Inspector General of Police, Central Range, Cochin, Kerala.
246. The District Bar Association, Yeotmal.
247. Shri V. J. Khodaiji, Special Secretary, Government of Uttar Pradesh, Lucknow.
248. Acharya Ramadhikari Sharma, Advocate, Samastipur.
249. Justice Thiru P. Ramakrishnan, I.C.S., Madras.
250. Shri D. Dash, Deputy Secretary, Law Department, Government of Bihar.
251. Shri S. P. Ambrose, I.A.S., Secretary, Government of Tamilnadu.
252. Shri S. Venugopal Rao, Director, Bureau of Police Research and Development, New Delhi.
253. I. G. Police, Bhopal.
254. Shri Y. I. Mehta, Head of Law Department, P.M.B. Gujarati Arts, Commerce and Law College, Indore.
255. The Thana Bar Association, Thana.
256. Ministry of Defence, Government of India, New Delhi.

APPENDIX IV

(Wide Para II of the Report)

List of witnesses who tendered oral evidence before the Joint Committee.

| Serial No. | Name of witness | Date of hearing |
|------------|---|--|
| 1 | Shri F. S. Nariman, Additional Solicitor General, India | 29-1-1973 2-11-1973 & 5-11-1973 |
| 2 | Shri R. V. Kelkar, Reader, Faculty of Law University of Delhi, Delhi | 29-1-1973 & 30-1-1973 |
| 3 | Shri Lalnarayan Sinha, Solicitor General, India | 30-1-1973 |
| 4 | Dr. (Smt.) Jyotsna H. Shah, Director General, Bureau of Correctional Services, New Delhi | 31-1-1973 |
| 5 | Dr. A. Gupta, Director, Bureau of Police Research and Development, New Delhi | 31-1-1973 |
| 6 | Shri J. C. Agarwal, Home Secretary, Government of Maharashtra, Bombay | 30-5-1973 |
| 7 | Shri G. M. Vidyaratni, Assistant Government Pleader, High Court of Gujarat, Ahmedabad | 30-5-1973 |
| 8 | Shri A. G. Rajadhyaksha, Inspector-General of Police, Government of Maharashtra, Bombay | 30-5-1973 |
| 9 | Shri Ramakrishnarao, Assistant Inspector General of Police, Government of Andhra Pradesh, Hyderabad | 30-5-1973 |
| 10 | Representatives of the Bar Council of Gujarat (i) Miss Kusam M. Shah (ii) Shri N. O. Sheth, Advocate | 30-5-1973 |
| 11 | Shri S. S. Shah, Law Secretary, Government of Gujarat, Ahmedabad | 31-5-1973 |
| 12 | Shri D. M. Prahlada, District Government Pleader and Public Prosecutor, Thana, District Thana (Maharashtra) | 31-5-1973 |
| 13 | Prof. S. P. Balsara, Professor of Law, Government Law College, Bombay | 31-5-1973 & 2-6-1973 |
| 14 | Shri H. C. Dholakia, Dean, Faculty of Law, M.S. University of Baroda, Baroda | 31-5-1973 |
| 15 | Shri K. G. Shethji, District Government Pleader and Public Prosecutor, (Moffusil) Maharashtra, Bombay | 2-6-1973 |
| 16 | Shri C. B. Agarwal, Representative of the Bar Council of Maharashtra | 2-6-1973 |
| 17 | Shri P. M. Pant, Inspector General of Police, Government of Gujarat, Ahmedabad | 2-6-1973 |
| 18 | Shri K. Jayachandra Reddy, Public Prosecutor, Andhra Pradesh, Hyderabad | 2-6-1973 |
| 19 | Shri I. K. Amin, Chief City Magistrate, Ahmedabad | 2-6-1973 |
| 20 | Shri H. K. Thakore, Advocate, Matkarupa, Behind Amrit Park, Dhunketu Marg, Fathepura, Ahmedabad | 4-6-1973 |

| Serial No. | Name of witness | Date of hearing |
|------------|--|-----------------|
| 21 | Shri C. V. S. Rao, Inspector General of Police, Government of Mysore, Bangalore | 14-6-1973 |
| 22 | Shri K. G. Ramanna, Commissioner of Police, Bangalore City | 14-6-1973 |
| 23 | Shri H. Veerabhadraiah, Deputy Inspector General of Police, (Head Quarters) Bangalore | 14-6-1973 |
| 24 | Shri Narayana Rai Kudoor, Director of Prosecution, Government of Mysore, Bangalore | 15-6-1973 |
| 25 | Shri R. N. Byra Reddy, Advocate General, Government of Mysore, Bangalore | 15-6-1973 |
| 26 | Shri G. N. Subbait, Director of Prosecution, Government of Mysore, Dharwar | 15-6-1973 |
| 27 | Mr. Justice P. Ramakrishnan, Retd. Judge, Madras High Court, Madras | 16-6-1973 |
| 28 | Shri M. S. Phirangi, Professor, Karnatak University, College of Law, Dharwar | 16-6-1973 |
| 29 | Shri Y. Raviraj, Joint Secretary, Department of Law, Government of Mysore, Bangalore | 16-6-1973 |
| 30 | Shri S. M. Wali, State Public Prosecutor, High Court, Bangalore | 16-6-1973 |
| 31 | Shri A. P. Bhattacharjee, Secretary, Judicial Department, Government of West Bengal, Calcutta | 2-7-1973 |
| 32 | Shri G. D. Ghosh, Additional Chief Presidency Magistrate, Calcutta | 2-7-1973 |
| 33 | Shri R. N. Chatterjee, Additional Inspector General of Police, West Bengal | 2-7-1973 |
| 34 | Shri Harendra Krishna Chakravarti Deputy Inspector General of Police, E.I.D.&E.B. West Bengal | 2-7-1973 |
| 35 | Representatives of the Bar Council of West Bengal: | 3-7-1973 |
| | (i) Shri B. Dass | |
| | (ii) Shri M. G. Mukherjee | |
| 36 | Representatives of the High Court Bar Association, Calcutta : | 3-7-1973 |
| | (i) Shri P. Barman | |
| | (ii) Shri Dinesh Chandra Roy | |
| 37 | Shri Biswanath Bajpayee, Advocate, Calcutta | 4-7-1973 |
| 38 | Shri Basanta Kumar Panda, Representative of the West Bengal Lawyers' Association | 4-7-1973 |
| 39 | Representatives of the Institute of Costs and Works Accountants, Calcutta : | 4-7-1973 |
| | (i) Shri A. K. Biswas | |
| | (ii) Shri S. N. Ghose | |
| | (iii) Shri N. K. Prasad | |
| 40 | Shri Shankar Das Banerjee, Bar-at-Law, Member of the Convention of Lawyers of Calcutta and Surrounding areas | 4-7-1973 |
| 41 | Shri D. C. Mookerjee, Inspector General of Prisons, West Bengal | 4-7-1973 |
| 42 | Shri B. K. Gupta, Public Prosecutor, Berhampore, District Murshidabad | 5-7-1973 |
| 43 | Shri Subodh Banerjee, Representative of the Socialist Unity Centre of India, Calcutta | 5-7-1973 |
| 44 | Representatives of the West Bengal Association of Democratic Lawyers : | 5-7-1973 |
| | (i) Shri A. P. Chatterjee | |
| | (ii) Shri Samar Kumar Datta | |
| 45 | Shri D.P. Roy, Public Prosecutor, High Court, Calcutta | 5-7-1973 |
| 46 | Shri Jyotirmoy Roy Chowdhury, Public Prosecutor, 24, Parganas, Calcutta | 5-7-1973 |

| Serial No. | Name of witness | Date of hearing |
|------------|--|-----------------|
| 47 | Smt. Manjula Sen Gupta, Superintendent, S. M. M. Home for Juvenile Offenders, Calcutta | 5-7-1973 |
| 48 | Shri K. N. Goyal, Judicial Secretary and Legal Remembrancer to the Government of Uttar Pradesh, Lucknow | 12-7-1973 |
| 49 | Shri A. K. Das, Inspector General of Police, Government of Uttar Pradesh, Lucknow | 12-7-1973 |
| 50 | Shri Zargham Hyder, Advocate, Ex-M.L.A. and Ex-Chairman, Municipal Board, Bahraich | 12-7-1973 |
| 51 | Shri B. N. Katju, Government Advocate and Public Prosecutor attached to the High Court at Allahabad, Lucknow Bench, Lucknow | 13-7-1973 |
| 52 | Shri J. B. Lal Srivastava, Superintendent, District Jail, Lucknow | 13-7-1973 |
| 53 | Shri P. L. P. Chaturvedi, Superintendent, Model Jail and Reformatory School, Lucknow | 13-7-1973 |
| 54 | Pandit Sri Dhar Misra, Advocate, Ex-Senior Standing Counsel, Government of Uttar Pradesh, Lucknow | 14-7-1973 |
| 55 | Shri Sashibhal Misra, Additional District Government Counsel for Mofussil Courts, Lucknow | 14-7-1973 |
| 56 | Shri Thakur Prasad Saksena, Advocate, President, Sangram Sainak Parishad, Lucknow | 14-7-1973 |
| 57 | Shri Rishi Ram, Government Advocate, High Court at Allahabad, Allahabad | 14-7-1973 |
| 58 | Shri S. C. Goyal, Inspector General of Prisons, Government of Uttar Pradesh, Lucknow | 16-7-1973 |
| 59 | Shri D.N. Hatwal, Representative of the Oudh Bar Association, Lucknow | 16-7-1973 |
| 60 | Shri Ravindra Nath, 100, Jagganathpur, Gorakhpur. | 16-7-1973 |
| 61 | Shri T. P. Bhalla, I. P. (Retd.), Lucknow | 16-7-1973 |
| 62 | Shri Mahashwar Prasad, Advocate, Gonda (U.P.) | 16-7-1973 |
| 63 | Shri Radhya Mohan Lal, Representative of the Bar Council of Delhi, Delhi | 17-9-1973 |
| 64 | Shri Parduman Kumar, Legal Advisor (Director, Public Prosecution), Delhi Police, New Delhi | 17-9-1973 |
| 65 | Shri D. Sen, Director, Central Bureau of Investigation, New Delhi | 18-9-1973 |
| 66 | Shri R. N. Sharma, Superintendent, Central Jail, Delhi. | 18-9-1973 |
| 67 | Representatives of the Delhi Hindustani Mercantile Association, Delhi : (i) Shri Brij Bhushan Sharma (ii) Shri R. K. Tandon | 19-9-1973 |
| 68 | Representatives of the Uttar Pradesh Commission of Jurists, Mathura : (i) Shri S. K. Singh (ii) Shri A. N. Chaturvedi. | 19-9-1973 |
| 69 | Shri Vaidehi Charan Parashar, Advocate, Supreme Court, New Delhi | 20-9-1973 |
| 70 | Shri Rajni Kant, Secretary (Law and Judicial) Delhi Administration, Delhi | 20-9-1973 |
| 71 | Shri D. C. Pandey, Associate Research Professor, Indian Law Institute, Bhagwandas Road, New Delhi | 20-9-1973 |
| 72 | Representatives of the Garib Janta Sangh, Kotla Mubarak Pur, New Delhi (i) Shri Gian Chand (ii) Shri B. D. Sharma | 21-9-1973 |
| 73 | Shri I. D. Ahluwalia, Representative of the Delhi High Court Bar Association, Delhi | 21-9-1973 |

| Serial No. | Name of witness | Date of hearing |
|------------|--|-----------------|
| 74 | Shri V. K. Kapoor, District Magistrate, Delhi | 2-II-1973 |
| 75 | Shri P. L. Chhabra, Home Secretary, Government of Haryana, Chandigarh | 2-II-1973 |
| 76 | Shri R. K. Raizada, Lecturer, University of Kurukshetra, Kurukshetra | 2-II-1973 |
| 77 | Representatives of the Supreme Court Bar Association, New Delhi: (i) Shri Danial Latifi (ii) Shri S. K. Mehta | 3-II-1973 |
| 78 | Representatives of the Bar Council of India: (i) Shri R. B. Jethmalani (ii) Shri A. N. Veeraraghavan | 3-I-1974 |
| 79 | Shri Kulwant Singh Ahluwalia, Commissioner for Home Affairs, Government of Punjab, Chandigarh | 3-I-1974 |
| 80 | Shri Hans Raj Mehta, Representative of the Bar Council of Punjab and Haryana, Chandigarh | 3-I-1974 |
| 81 | Shri A. P. Chowdhari, Legal Remembrancer, Chandigarh Administration, Chandigarh | 4-I-1974 |
| 82 | Shri S. Banerji, Chief Secretary to the Government of Jammu and Kashmir, Jammu | 4-I-1974 |
| 83 | Shri B. S. Yadav, Inspector General of Police, Government of Himachal Pradesh, Simla | 7-I-1974 |
| 84 | Dr. B. R. Chauhan, Professor and Head of the Department of Law, Faculty of Law, Himachal Pradesh University, Simla | 7-I-1974 |
| 85 | Shri J. R. Chhabra, Inspector General of Police, Government of Punjab, Chandigarh | 8-I-1974 |
| 86 | Shri U. N. Sharma, Chief Secretary to the Government of Himachal Pradesh, Simla | 8-I-1974 |
| 87 | Shri Joseph Dina Nath, O.S.D. (Law), Government of Himachal Pradesh, Simla | 8-I-1974 |
| 88 | Shri Surendra Nath, I.P.S., Inspector General of Police, Government of Jammu and Kashmir, Jammu | 8-I-1974 |
| 89 | Representatives of the Institute of Chartered Accountants of India, New Delhi: (i) Shri S. K. Gupta (ii) Shri R. K. Khanna (iii) Shri B. R. Maheshwari (iv) Shri V. Rajaraman (v) Shri C. Balkrishnan | 8-I-1974 |
| 90 | Shri S. P. Ambrose, Home Secretary, Government of Tamil Nadu, Madras | 1-2-1974 |
| 91 | Shri K. R. Shenai, Commissioner of Police, Madras | 1-2-1974 |
| 92 | Shri Y. Venkateshwara Rao, Judicial First Class Magistrate, Guntur, (Andhra Pradesh) | 2-2-1974 |
| 93 | Shri G. John Arthur, Chief Presidency Magistrate, Madras | 2-2-1974 |
| 94 | Shri T. C. N. Menon, Senior Government Pleader, High Court of Kerala, Ernakulam | 4-2-1974 |
| 95 | Shri S. Sivaraman, Additional District Judge, North Parur, Ernakulam District, Kerala State | 4-2-1974 |
| 96 | Shri T. A. S. Iyer, I.P.S., Deputy Inspector General of Police, Central Range, Cochin | 5-2-1974 |

| Serial No. | Name of witness | Date of hearing |
|------------|--|-----------------------------|
| 97 | Representatives of the Bar Council of Kerala, Ernakulam : (i) Shri N. Govindan Nair (ii) Shri V. K. Hamza | 5-2-1974 |
| 98 | Representatives of the Kerala High Court Advocates Association, Ernakulam: (i) Shri M. Rajsckharan Nair (ii) Shri P. C. Abraham . | 5-2-1974 |
| 99 | Shri M. B. Kurup, Senior Public Prosecutor, Office of the Advocate General, Cochin | 5-2-1974 |
| 100 | Shri P. S. Usuph, Public Prosecutor, District Court, Ernakulam | [5-2-1974 |
| 101 | Shri A. T. Markos, Dean, Faculty of Law, University of Cochin, Cochin | 5-2-1974 |
| 102 | Shri A. Alley, President, Shillong Bar Association, Shillong | 10-6-1974 & 14-6-1974 |
| 103 | Shri A.S. Khongphai, Member Bar Council of Assam, Meghalaya, Nagaland, Manipur, Tripura and Union Territories of Mizoram and Arunachal Pradesh | 10-6-1974 & 14-6-1974 |
| 104 | Shri Moham Singh, M.L.A., Meghalaya Assembly, Shillong | 10-6-1974 & 11-6-1974 |
| 105 | Shri B. P. Dutta, Secretary, Sillong Bar Association, Shillong | 10-6-1974 & 11-6-1974 |
| 106 | Shri R. Natarajan, I.A.S., Home Secretary, Government of Meghalaya, Shillong | 12-6-1974 |
| 107 | Shri M.I.S. Iyer, D.I.G. (P), Meghalaya Government, Shillong | 12-6-1974 |
| 108 | Shri S. N. Phukan, Legal Remembrancer, Government of Meghalaya, Shillong | 12-6-1974 |
| 109 | Shri H. C. Nath, Advocate General, Government of Tripura, Tripura | 12-6-1974 |
| 110 | Shri S. Chakravarty, Law Secretary, Government of Tripura, Tripura | 12-6-1974 |
| 111 | Shri B. B. Lyngdoh, Minister of Law, Government of Meghalaya, Shillong | 13-6-1974 |
| 112 | Mr. Justice Hardyal Hardy, Retired Chief Justice, Delhi High Court, Delhi | 8-7-1974 |
| 113 | Shri S. Venugopal Rao, Director, Bureau of Police Research and Development, New Delhi | 9-7-1974 |
| 114 | Shri D. Dass, Deputy Secretary, Law Department, Government of Bihar, Patna | 9-7-1974 |
| 115 | Shri Sankat Haran Singh, Representative of the Bar Council of Bihar, Patna | 9-7-1974 |
| 116 | Shri Devi Singh Galhot, Law Secretary to the Government of Rajasthan, Jaipur | 10-7-1974 |
| 117 | Shri M. K. Saxena, Inspector General of Police, C.I.D. (Crimes) & Railways, Jaipur | 10-7-1974 |
| 118 | Dr. G. S. Sharma, Senior Professor and Dean of the Faculty of Law, Rajasthan University, Jaipur | 10-7-1974 |

| Serial No. | Name of witness | Date of hearing |
|------------|---|-----------------------------|
| 119 | Shri P. M. Bakshi, Member-Secretary, Law Commission of India, New Delhi | 11-7-1974 & 28-9-1974 |
| 120 | Acharya Ramadhikari Sharma Shastri, Advocate, District Sarastipur, Bihar | 12-7-1974 |
| 121 | Shri T. N. Bhargava, Assistant Inspector General of Police, C.I.D. Madhya Pradesh, Bhopal | 24-9-1974 |
| 122 | Shri Narendra Singh, Bar-at-Law, University of Jabalpur, Jabalpur | 24-9-1974 |
| 123 | Shri L. Mohapatra, Secretary to the Government of Orissa, Law Department, Cuttack | 25-9-1974 |
| 124 | Shri D. M. Misra, I.P.S., Deputy Inspector General of Police, Sambalpur | 25-9-1974 |
| 125 | Dr. R.C. Hingorani, Professor and Dean, Faculty of Law, Patna University, Patna | 26-9-1974 |
| 126 | Shri Y. I. Mehta, Head of Law Department and Incharge, Faculty of Law, P.M. B. Gurjarti Arts, Commerce and Law College, Indore | 26-9-1974 |
| 127 | Representatives of the Ministry of Defence, (Judge Advocate Branch): (i) Shri T.P. Khosla, Joint Secretary. (ii) Brig. M.S. Sastri, JAG (Army). (iii) Capt. O.P. Sharma, JAG (Navy). (iv) Air Commodore H.L. Kapur, JAG (Air). (v) Shri K.V. Ramanamurthi, Deputy Secretary. | 27-9-1974 |
| 128 | Representatives of the Centre of Indian Trade Unions, Calcutta: (i) Dr. M.K. Pandhe. (ii) Shri A.P. Chatterjee. | 27-9-1974 |
| 129 | Representative of the All India Kisan Sabha: Shri Indradeep Sinha, M.P. | 27-9-1974 |

APPENDIX V

(Vide Para 6 of the Report)

Minutes of the meetings of the Joint Committee

I

FIRST MEETING

The Committee met at 4.00 P.M. on Saturday, the 23rd December, 1972.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Suraj Prasad
4. Shri Syed Hussain
5. Shri Vithal Gadgil
6. Shrimati Sumitra G. Kulkarni
7. Shri Syed Ahmed
8. Shri V. V. Swaminathan
9. Shri Ram Niwas Mirdha

Lok Sabha

10. Shri Banamali Babu
11. Shri Muhammed Khuda Bukhsh
12. Shri Khemchandbhai Chavda
13. Shri G. C. Dixit
14. Shri Tarun Gogoi
15. Shri Dinesh Joarder
16. Shri G. Y. Krishnan
17. Shri Yamuna Prasad Mandal

REPRESENTATIVES OF MINISTRIES

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri P. G. Goel, Under Secretary.

2. The Chairman welcomed the Members of the Committee.

3. The Committee decided that a Press Communiqué be issued inviting opinions from various individuals, associations, organisations including trade unions, trade organisations, District Bar Associations and political parties interested in the subject matter of the Bill and advising them to send memoranda thereon to the Rajya Sabha Secretariat by the 22nd January, 1973.

4. The Committee directed that the following be approached and requested to give their views on the subject matter of the Bill:—

- (i) Indian Law Institute
- (ii) Attorney General of India
- (iii) Solicitor General and Additional Solicitor General
- (iv) Advocates-General of States
- (v) Supreme Court of India and High Courts
- (vi) Bar Council of India and State Bar Councils
- (vii) Bar Association of India, Supreme Court Bar Association and Bar Associations at the High Court Level.
- (viii) Bar Associations at the district level in all the States and Union Territories (through State Governments/High Court Bar Associations.)
- (ix) Deans of Law Faculties in various Universities.
- (x) State Governments and Union Territories.
- (xi) Shri M. C. Setalvad and Shri C. K. Daphtry.

5. The Committee authorised its Chairman to decide, after examining all the memoranda, as to who might be invited to give oral evidence before it. The Chairman requested Members to suggest names of persons/associations whom they would like to be considered for being invited to give oral evidence. Members were also requested to give the names and addresses of organisations, individuals etc. who may be approached for giving their views on the Bill as well as particulars of witnesses so as to reach the Rajya Sabha Secretariat by the 22nd January, 1973.

6. The representative of the Ministry of Home Affairs was asked to supply sufficient number of copies of the following literature for use of the Members:—

1. Law Commission's Report on the Indian Penal Code.
2. Penal Codes of some countries like U.K., U.S.A., France etc. (if available).

The said representative also agreed to prepare and supply a questionnaire for use of the Members, when witnesses would be examined by the Committee.

7. The Committee decided to meet in New Delhi on the 29th, 30th and 31st January, 1973, to consider generally the provisions of the Bill and also to hear oral evidence from witnesses.

8. The Committee then adjourned at 4.30 P.M. to meet again at 11.00 A.M. on Monday, the 29th January, 1973.

II

SECOND MEETING

The Committee met at 11.00 A.M. on Monday, the 29th January, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Suraj Prasad
5. Shri Syed Hussain
6. Shri Anand Narain Mulla
7. Shri Vithal Gadgil
8. Shrimati Sumitra G. Kulkarni
9. Shri Syed Ahmed
10. Shri M. Srinivasa Reddy
11. Shri V. V. Swaminathan
12. Shri Ram Niwas Mirdha

Lok Sabha

13. Shri P. Ankineedu Prasadarao
14. Shri H. K. L. Bhagat
15. Shri Muhammed Khuda Bukhsh
16. Shri B. L. Choudhari
17. Shri Khemchandbhai Chavda
18. Shri Dinesh Joarder
19. Shri Z. M. Kahandole
20. Shri G. Y. Krishnan
21. Shri Yamuna Prasad Mandal
22. Shri Piloo Mody
23. Shri F. H. Mohsin
24. Shri Niti Raj Singh Chaudhury
25. Shri D. K. Panda
26. Chowdhury Ram Sewak
27. Shri M. Satyanarayan Rao
28. Shri Vayalar Ravi
29. Shri Shanker Rao Savant
30. Shri Shambhu Nath
31. Shri B. R. Shukla

32. Shri Ram Shekhar Prasad Singh
33. Shri S. N. Singh
34. Shri R. P. Yadav

REPRESENTATIVES OF MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional*Legislative Counsel

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri M. S. Panigrahi, Deputy Secretary

Shri M. K. Jain, Under Secretary.

WITNESSES

(1) Shri F. S. Nariman, Additional Solicitor General, India.

(2) Shri R. V. Kelkar, Reader, Faculty of Law, University of Delhi.

2. The Committee heard oral evidence tendered by Shri F. S. Nariman and Shri R. V. Kelkar. The evidence tendered by both the witnesses was, however, not concluded. While the Committee decided to hear further evidence of Shri F. S. Nariman, at some future date, Shri Kelkar was requested to appear before the Committee again at 2.30 P.M. on the 30th January, 1973 to continue his evidence.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.15 P.M. to meet again at 2.30 P.M. on Tuesday, the 30th January, 1973.

III

THIRD MEETING

The Committee met at 2.30 P.M. on Tuesday, the 30th January, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Suraj Prasad
4. Shri Syed Hussain
5. Shri Anand Narain Mulla
6. Shri Vithal Gadgil
7. Shrimati Sumitra G. Kulkarni
8. Shri Syed Ahmed
9. Shri V. V. Swaminathan
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri H. K. L. Bhagat
12. Shri Muhammed Khuda Bukhsh
13. Shri Khemchandbhai Chavda
14. Shri Madhu Dandavate
15. Shri Dinesh Joarder
16. Shri Z. M. Kahandole
17. Shri G. Y. Krishnan
18. Shri Yamuna Prasad Mandal
19. Shri Piloo Mody
20. Shri F. H. Mohsin
21. Shri Niti Raj Singh Chaudhury
22. Chowdhury Ram Sewak
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri B. R. Shukla
26. Shri Ram Shekhar Prasad Singh
27. Shri S. N. Singh
28. Shri R. P. Yadav
29. Shri B. E. Choudhari

REPRESENTATIVES OF MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law & Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

WITNESSES

- (1) Shri R. V. Kelkar, Reader, Faculty of Law, University of Delhi.
- (2) Shri Lalnarayan Sinha, Solicitor General, India.

2. The Committee heard oral evidence tendered by Shri R. V. Kelkar and Shri Lalnarayan Sinha. The Committee decided to invite Shri S. P. Bhardwaj, Deputy Legal Adviser, Central Bureau of Investigation, who was to appear before the Committee today at some future date.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 5.05 P.M. to meet again at 3.00 P.M. on Wednesday, the 31st January, 1973.

IV

FOURTH MEETING

The Committee met at 3.00 P.M. on Wednesday, the 31st January, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Suraj Prasad
4. Shri Syed Hussain
5. Shri Anand Narain Mulla
6. Shri Vithal Gadgil
7. Shri Syed Ahmed
8. Shri M. Srinivasa Reddy
9. Shri V. V. Swaminathan
10. Shri Shyam Lal Yadav
11. Shri Ram Niwas Mirdha

Lok Sabha

12. Shri P. Ankineedu Prasadarao
13. Shri Muhammed Khuda Bukhsh
14. Shri B. E. Choudhari
15. Shri Madhu Dandavate
16. Shri Tarun Gogoi
17. Shri Dinesh Joarder
18. Shri Z. M. Kahandole
19. Shri G. Y. Krishnan
20. Shri Yamuna Prasad Mandal
21. Shri Piloo Mody
22. Shri F. H. Mohsin
23. Shri Niti Raj Singh Chaudhury
24. Shri R. Balakrishna Pillai
25. Chowdhury Ram Sewak
26. Shri M. Satyanarayan Rao
27. Shri Vayalar Ravi
28. Shri Shanker Rao Savant
29. Shri Shambhu Nath
30. Shri B. R. Shukla
31. Shri Ram Shekhar Prasad Singh
32. Shri S. N. Singh
33. Shri R. P. Yadav

REPRESENTATIVES OF MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law & Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

WITNESSES

(1) Dr. (Smt.) Jyotsna H. Shah Director, Central Bureau of Correctional Services.

(2) Dr. A. Gupta, Director, Bureau of Police Research and Development.

2. The Committee heard the oral evidence tendered by Dr. (Smt.) Jyotsna H. Shah and Dr. A. Gupta.

A verbatim record of the evidence was kept.

3. The Committee felt that the time given for the submission of Memoranda by various individuals, associations, organisations including trade unions, trade organisations, district bar associations, political parties interested in the subject matter of the Bill was rather short. The Committee therefore decided that the date for the submission of the Memoranda may be extended to 15th April, 1973 and that a Press Communique to this effect may again be issued.

4. The Committee then considered its future programme of sittings. Members were of the view that since the Bill proposes comprehensive changes in the Indian Penal Code, it would help in their deliberations if the Committee could have the benefit of hearing oral evidence from eminent jurists, lawyers and others from all over the country. The Committee therefore decided to visit about 8 to 10 important places, particularly the seats of High Courts, which would be fixed after the receipt of memoranda from different associations, organisations etc.

5. The Chairman of the Committee was authorised to fix the next date of meeting, preferably any day after 15th April, 1973 in New Delhi.

6. The Committee then adjourned at 6.10 P.M.

V

FIFTH MEETING

The Committee met at 3.00 P.M. on Tuesday, the 8th May, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*

2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Suraj Prasad
5. Shri Nageshwar Prasad Shahi
6. Shri Syed Hussain
7. Shri Anand Narain Mulla
8. Shrimati Sumitra G. Kulkarni
9. Shri M. Srinivasa Reddy
10. Shri Shyam Lal Yadav
11. Shri Ram Niwas Mirdha

Lok Sabha

12. Shri P. Ankineedu Prasadarao
13. Shri Banamali Babu
14. Shri Muhammed Khuda Bukhsh
15. Shri B. E. Choudhari
16. Shri Khemchandbhai Chavda
17. Shri G. C. Dixit
18. Shri Tarun Gogoi
19. Shri G. Y. Krishnan.
20. Shri Yamuna Prasad Mandal
21. Shri R. Balakrishna Pillai
22. Shri K. Narayana Rao
23. Shri M. Satyanarayan Rao
24. Shri Shanker Rao Savant
25. Shri B. R. Shukla
26. Shri Ram Shekhar Prasad Singh
27. Shri S. N. Singh
28. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

2. The Chairman informed the Members that the Chairman, Rajya Sabha, had accorded permission to the Committee to hold its sittings at Bangalore, Bombay, Calcutta and Allahabad for the purpose of recording oral evidence on the Bill and that concerned authorities in the States have been requested to make arrangements for holding the meetings of the Committee and for the stay of Members at those places in accordance with the programme of sittings of the Committee circulated to Members earlier. The consensus of the Members was that the Committee should

hold its sittings at the Seats of all the High Courts in the country. The Chairman opined that the Committee should sit at the places for which permission had been obtained and might consider holding its meeting at other places at a subsequent date. The Chairman also informed the Members that on account of the Session of the Mysore Legislature during the days when the Committee was scheduled to visit Bangalore, some difficulty was being experienced for making arrangements for the stay of Members in the M.L.A.s' Hostel at Bangalore.

3. The Members thereafter discussed the programme of sittings of the Committee at the four places mentioned above and decided to hold the sittings of the Committee as under:—

| <i>Place</i> | <i>Dates of Sittings</i> |
|--------------|----------------------------|
| Bombay | 30th May to 4th June, 1973 |
| Bangalore | 14th to 16th June, 1973 |
| Calcutta | 2nd to 5th July, 1973 |
| Allahabad | 12th to 14th July, 1973 |

4. The Committee also decided to consider at Bombay the programme of its sittings at Delhi during July, 1973.

5. The Committee then adjourned at 4.00 P.M.

VI

SIXTH MEETING

The Committee met from 10.00 A.M. to 1.55 P.M. and again from 3.30 P.M. to 6.25 P.M. on Wednesday, the 30th May, 1973 in the Council Hall, Bombay.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Virendra Kumar Sakhalecha
5. Shri Suraj Prasad
6. Shri Anand Narain Mulla
7. Shrimati Sumitra G. Kulkarni

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri Banamali Babu
10. Shri R. V. Bade

11. Shri H. K. L. Bhagat
12. Shri Muhammed Khuda Bukhsh
13. Shri B. E. Choudhari
14. Shri Khemchandbhai Chavda
15. Shri Madhu Dandavate
16. Shri G. C. Dixit
17. Shri Dinesh Joarder
18. Shri Z. M. Kahandole
19. Shri Piloo Mody
20. Shri F. H. Mohsin
21. Shri R. Balakrishna Pillai
22. Chowdhury Ram Sewak
23. Shri M. Satyanarayan Rao
24. Shri Shanker Rao Savant
25. Shri B. R. Shukla
26. Shri S. N. Singh
27. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri Sudarshan Agarwal, Deputy Secretary.

The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri J. C. Agarwal, Home Secretary, Government of Maharashtra, Bombay.
- (2) Shri G. M. Vidyarathi, Assistant Government Pleader, High Court of Gujarat, Ahmedabad.
- (3) Shri A. G. Rajadhyaksha, Inspector General of Police, Government of Maharashtra, Bombay.
- (4) Shri Ramakrishnarao, Assistant Inspector General of Police, Government of Andhra Pradesh.
- (5) (i) Miss Kusam M. Shah and (ii) Shri N. O. Sheth, Advocate, Representatives of the Bar Council of Gujarat, Ahmedabad.

A verbatim record of the evidence was kept.

The Committee then adjourned at 6.25 P.M. to meet again at 10.00 A.M. on Thursday, the 31st May, 1973.

VII

SEVENTH MEETING

The Committee met from 10.00 A.M. to 1.45 P.M. and again from 3.45 P.M. to 6.50 P.M. on Thursday, the 31st May, 1973 in the Council Hall, Bombay.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Virendra Kumar Sakhalecha
5. Shri Suraj Prasad
6. Shri Nageshwar Prasad Shahi
7. Shri Anand Narain Mulla
8. Shrimati Sumitra G. Kulkarni
9. Shri Ram Niwas Mirdha

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri Banamali Babu
12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Muhammed Khuda Bukhsh
15. Shri Khemchandbhai Chavda
16. Shri Madhu Dandavate
17. Shri G. C. Dixit
18. Shri Tarun Gogoi
19. Shri Dinesh Joarder
20. Shri Z. M. Kahandole
21. Shri Pilo Mody
22. Shri F. H. Mohsin
23. Shri R. Balakrishna Pillai
24. Chowdhury Ram Sewak
25. Shri M. Satyanarayan Rao
26. Shri Shanker Rao Savant
27. Shri B. R. Shukla
28. Shri S. N. Singh
29. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri Sudarshan Agarwal, Deputy Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri S. S. Shah, Law Secretary, Government of Gujarat, Ahmedabad.
- (2) Shri D. M. Pradhan, District Government Pleader and Public Prosecutor, Thana, District Thana (Maharashtra).
- (3) Prof. S. P. Balsara, Professor of Law, Government Law College, Bombay.
- (4) Shri H. C. Dholakia, Dean, Faculty of Law, M. S. University of Baroda, Baroda.

As the evidence tendered by Prof. S. P. Balsara could not be concluded, he was requested to appear before the Committee again at 9.00 A.M. on the 1st June, 1973.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 6.50 P.M. to meet again at 9.00 A.M. on Friday, the 1st June, 1973.

VIII

EIGHTH MEETING

The Committee met from 9.00 A.M. to 9.30 A.M. on Friday, the 1st June, 1973 in the Council Hall, Bombay.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shri Ram Niwas Mirdha

Lok Sabha

6. Shri P. Ankineedu Prasadarao
7. Shri Banamali Babu
8. Shri R. V. Bade
9. Shri Khemchandbhai Chavda
10. Shri Madhu Dandavate
11. Shri G. E. Dixit
12. Shri Dinesh Joarder
13. Shri Z. M. Kahandole

14. Shri R. Balakrishna Pillai
15. Chowdhury Ram Sewak
16. Shri Shanker Rao Savant
17. Shri B. R. Shukla
18. Shri S. N. Singh
19. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri Sudarshan Agarwal, Deputy Secretary.

2. The Chairman made a reference to the unexpected and tragic passing away of Shri S. Mohan Kumaramangalam, Minister of Steel and Mines and Shri K. Baladhandayutham, M.P. in an aircrash on the 31st May, 1973. The Committee thereafter observed two minutes silence, all Members standing, as a mark of respect to the memory of the deceased.

3. The Committee then adjourned at 9.30 A.M. to meet again at 9.00 A.M. on Saturday, the 2nd June, 1973.

IX

NINTH MEETING

The Committee met from 9.00 A.M. to 1.15 P.M. and again from 3.00 P.M. to 6.25 P.M. on Saturday, the 2nd June, 1973 in the Council Hall, Bombay.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Nageshwar Prasad Shahi
5. Shri Anand Narain Mulla
6. Shrimati Sumitra G. Kulkarni
7. Shri Ram Niwas Mirdha

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri Banamali Babu

10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri Muhammed Khuda Bukhsh
13. Shri B. E. Choudhari
14. Shri Khemchandbhai Chavda
15. Shri G. C. Dixit
16. Shri Dinesh Joarder
17. Shri Z. M. Kahandole
18. Shri G. Y. Krishnan
19. Shri Yamuna Prasad Mandal
20. Shri Piloo Mody
21. Shri F. H. Mohsin
22. Shri K. Narayana Rao
23. Shri Shanker Rao Savant
24. Shri B. R. Shukla
25. Shri S. N. Singh
26. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri Sudarshan Agarwal, Deputy Secretary.

2. The Committee reconsidered its programme of sittings at Bangalore, Calcutta and Allahabad and decided that—

- (1) the meetings at these places be held from 9.00 A.M. to 2.00 P.M.;
- (2) witnesses coming from the States of Mysore, West Bengal and Uttar Pradesh only be invited for giving evidence at Bangalore, Calcutta and Allahabad respectively; and
- (3) the meetings at Bangalore be held from 14th to 16th June, 1973.

3. The Chairman was authorised to call a meeting of the Committee during the next Session of Parliament to finalise the future programme of its sittings.

4 The Committee thereafter heard the oral evidence tendered by the following witnesses:—

- (1) Prof. S. P. Balsara, Professor of Law, Government Law College, Bombay.

- (2) Shri K. G. Shethji, District Government Pleader and Public Prosecutor (Muffusil), Baroda.
- (3) Shri C. B. Agarwal, Representative of the Bar Council, Maharashtra, Bombay.
- (4) Shri P. M. Pant, I.P., Inspector General of Police, Government of Gujarat, Ahmedabad.
- (5) Shri K. Jayachandra Reddy, Public Prosecutor, Andhra Pradesh, Hyderabad.
- (6) Shri I. K. Amin, Chief City Magistrate, Ahmedabad.

Prof. Balsara had appeared before the Committee on the 31st May, 1973 but his evidence could not be concluded on that day. He appeared before the Committee again for giving oral evidence.

A verbatim record of the evidence was kept.

5. The Committee then adjourned at 6.25 P.M. to meet again at 10.00 A.M. on Monday, the 4th June, 1973.

X

TENTH MEETING

The Committee met from 10.00 A.M. to 1.05 P.M. on Monday, the 4th June, 1973 in the Council Hall, Bombay.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Nageshwar Prasad Shahi
5. Shrimati Sumitra G. Kulkarni

Lok Sabha

6. Shri P. Ankineedu Prasadarao
7. Shri Banamali Babu
8. Shri R. V. Bade
9. Shri Muhammed Khuda Bukhsh
10. Shri B. E. Choudhari
11. Shri Khemchandbhai Chavda
12. Shri G. C. Dixit
13. Shri Tarun Gogoi
14. Shri Z. M. Kahandole
15. Shri G. Y. Krishnan
16. Shri Yamuna Prasad Mandal

17. Shri Piloo Mody
18. Chowdhury Ram Sewak
19. Shri Vayalar Ravi
20. Shri Shanker Rao Savant
21. Shri B. R. Shukla
22. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri Sudarshan Agarwal, Deputy Secretary.

2. The Committee heard the oral evidence tendered by the following witness:—

Shri H. K. Thakore, Advocate, Matkarupa, Behind Amrit Park,
Dhumketu Marg, Fathepura, Ahmedabad.

A verbatim record of the evidence was kept.

3. The Committee was informed that a communication had been received that there was uncertainty in securing accommodation in Bangalore for stay of Members and for holding the meetings of the Committee there. The Committee desired that the Rajya Sabha Secretariat and the Ministry of Home Affairs should make all necessary efforts to secure necessary accommodation in the Legislatures' Hostel for the stay of Members and for holding the meetings of the Committee. The Committee decided that in case no such arrangements could be made in Bangalore, the Committee should meet in Mysore from 14th to 16th June, 1973 for recording evidence. The Chairman desired that Members should be informed in time if there was a change in the venue of the meetings.

4. The Committee expressed its grateful thanks to the Secretary to the Maharashtra Legislature Secretariat and the Home Secretary to the Government of Maharashtra for the satisfactory arrangements made for holding the meetings of the Committee and for cooperation extended by them to facilitate the work of the Committee.

5. The Committee then adjourned at 1.05 P.M. to meet again at 9.00 A.M. on Thursday, the 14th June, 1973 in the Vidhan Soudha, Bangalore.

ELEVENTH MEETING

The Committee met at 9.00 A.M. on Thursday, the 14th June, 1973 in the Vidhan Soudha, Bangalore.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Virendra Kumar Sakhalecha
5. Shri Suraj Prasad
6. Shri Nageshwar Prasad Shahi
7. Shrimati Sumitra G. Kulkarni
8. Shri V. V. Swaminathan
9. Shri Ram Niwas Mirdha

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri Banamali Babu
12. Shri R. V. Bade
13. Shri Muhammed Khuda Bukhsh
14. Shri Tarun Gogoi
15. Shri Dinesh Joarder
16. Shri Z. M. Kahandole
17. Shri Piloo Mody
18. Shri F. H. Mohsin
19. Shri M. Satyanarayan Rao
20. Shri Vayalar Ravi
21. Shri Shanker Rao Savant
22. Shri Shambhu Nath
23. Shri B. R. Shukla
24. Shri Ram Shekhar Prasad Singh
25. Shri S. N. Singh
26. Shri R. P. Yadav

REPRESENTATIVES OF MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (i) Shri C. V. S. Rao, Inspector General of Police, Government of Mysore, Bangalore.
- (ii) Shri K. G. Ramanna, Commissioned of Police, Bangalore City.
- (iii) Shri H. Veerabhadraiah, Deputy Inspector General of Police, (Head Quarters) Office of the I.G.P. Bangalore.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.20 P.M. to meet again at 9.00 A.M. on Friday, the 15th June, 1973.

XII

TWELFTH MEETING

The Committee met at 9.00 A.M. on Friday, the 15th June, 1973 in the Vidhan Soudha, Bangalore.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Suraj Prasad
5. Shri Nageshwar Prasad Shahi
6. Shrimati Sumitra G. Kulkarni
7. Shri V. V. Swaminathan
8. Shri Ram Niwas Mirdha

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri Banamali Babu
11. Shri R. V. Bade
12. Shri B. E. Choudhari
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri Z. M. Kahandole
16. Shri Pilloo Mody
17. Shri F. H. Mohsin
18. Shri M. Satyanarayan Rao
19. Shri Vayalar Ravi
20. Shri Shanker Rao Savant
21. Shri Shambhu Nath
22. Shri B. R. Shukla

23. Shri Ram Shekhar Prasad Singh
24. Shri S. N. Singh
25. Shri R. P. Yadav

REPRESENTATIVES OF MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law & Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri Narayana Rai Kudoor, Director of Prosecution, Government of Mysore, Bangalore.
- (2) Shri R. N. Byra Reddy, Advocate General, Government of Mysore, Bangalore.
- (3) Shri G. N. Subbahit, Director of Prosecution, Government of Mysore, Dharwar.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.10 P.M. to meet again at 9.00 A.M. on Saturday, the 16th June, 1973.

XIII

THIRTEENTH MEETING

The Committee met at 9.00 A.M. on Saturday, the 16th June, 1973 in the Vidhan Soudha, Bangalore.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri M. Ruthnaswamy
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shrimati Sumitra G. Kulkarni
6. Shri V. V. Swaminathan
7. Shri Ram Niwas Mirdha

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri R. V. Bade

10. Shri Muhammed Khuda Bukhsh
11. Shri B. E. Choudhari
12. Shri Tarun Gogoi
13. Shri Dinesh Joarder
14. Shri Z. M. Kahandole
15. Shri Yamuna Prasad Mandal
16. Shri Piloo Mody
17. Shri F. H. Mohsin
18. Shri M. Satyanarayan Rao
19. Shri Shanker Rao Savant
20. Shri Shambhu Nath
21. Shri B. R. Shukla
22. Shri S. N. Singh
23. Shri R. P. Yadav

REPRESENTATIVES OF MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law & Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Justice P. Ramakrishnan, Retd. Judge, Madras, High Court, Madras.
- (2) Shri M. S. Phirangi, Professor, Karnatak University, College of Law, Dharwar.
- (3) Shri Y. Raviraj, Joint Secretary, Department of Law, Government of Mysore, Bangalore.
- (4) Shri S. M. Wali, State Public Prosecutor, High Court, Bangalore.

A verbatim record of the evidence was kept.

3. The Committee expressed its grateful thanks to the Chief Secretary to the Government of Mysore and the Secretary to the Legislature for the satisfactory arrangements made for holding the meetings of the Committee and for cooperation extended by them to facilitate the work of the Committee.

4. The Committee then adjourned at 12.20 P.M. to meet again at 9.30 A.M. on Monday, the 2nd July, 1973 in the erstwhile Council Chamber of the West Bengal Assembly Building, Calcutta.

FOURTEENTH MEETING

The Committee met at 9.30 A.M. on Monday, the 2nd July, 1973 in the erstwhile Council Chamber of West Bengal Assembly Building, Calcutta.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla
5. Shrimati Sumitra G. Kulkarni
6. Shri Shyam Lal Yadav

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri Banamali Babu
9. Shri Muhammed Khuda Bukhsh
10. Shri Khemchandbhai Chavda
11. Shri Madhu Dandavate
12. Shri Dinesh Joarder
13. Shri Yamuna Prasad Mandal
14. Shri Piloo Mody
15. Shri F. H. Mohsin
16. Shri Niti Raj Singh Chaudhury
17. Shri Vayalar Ravi
18. Shri Shanker Rao Savant
19. Shri Shambhu Nath
20. Shri B. R. Shukla
21. Shri Ram Shekhar Prasad Singh
22. Shri S. N. Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary.

SECRETARIAT

Shri B. N. Banerjee, Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri A. P. Bhattacharjee, Secretary, Judicial Department Government of West Bengal, Calcutta.

- (2) Shri G. D. Ghosh, Additional Chief Presidency Magistrate, Calcutta.
- (3) Shri R. N. Chatterjee, Additional Inspector General of Police, West Bengal.
- (4) Shri Harendro Krishna Chakravartti, Deputy Inspector General of Police, E.I.D. & E.B., West Bengal.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 2.00 P.M. to meet again at 9.30 A.M. on Tuesday, the 3rd July, 1973.

XV

FIFTEENTH MEETING

The Committee met at 9.30 A.M. on Tuesday, the 3rd July, 1973 in the erstwhile Council Chamber of West Bengal Assembly Building, Calcutta.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shri Shyam Lal Yadav
5. Shri Ram Niwas Mirdha

Lok Sabha

6. Shri P. Ankineedu Prasadarao
7. Shri R. V. Bade
8. Shri Muhammed Khuda Bukhsh
9. Shri Khemchandbhai Chavda
10. Shri Madhu Dandavate
11. Shri Yamuna Prasad Mandal
12. Shri Pилоo Mody
13. Shri F. H. Mohsin
14. Shri Niti Raj Singh Chaudhury
15. Shri Shanker Rao Savant
16. Shri Shambhu Nath
17. Shri B. R. Shukla
18. Shri Ram Shekhar Prasad Singh
19. Shri S. N. Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary.

SECRETARIAT

Shri B. N. Banerjee, Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

(1) (i) Shri B. Dass

(ii) Shri M. G. Mukherjee
Representatives of the Bar Council of West Bengal, Calcutta.

(2) (i) Shri P. Barman

(ii) Shri Dinesh Chandra Roy
Representatives of the Bar Association High Court, Calcutta.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.30 P.M. to meet again at 9.00 A.M. on Wednesday, the 4th July, 1973.

XVI

SIXTEENTH MEETING

The Committee met at 9.00 A.M. on Wednesday, the 4th July, 1973 in the erstwhile Council Chamber of West Bengal Assembly Building, Calcutta.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Anand Narain Mulla
5. Shrimati Sumitra G. Kulkarni

Lok Sabha

6. Shri P. Ankineedu Prasadarao
7. Shri R. V. Bade
8. Shri Muhammed Khuda Bukhsh
9. Shri B. E. Choudhari
10. Shri Khemchandbhai Chavda
11. Shri Madhu Dandavate
12. Shri Dinesh Joarder
13. Shri Z. M. Kahandole
14. Shri Pилоo Mody
15. Shri F. H. Mohsin
16. Shri Niti Raj Singh Chaudhury
17. Shri D. K. Panda

18. Shri M. Satyanarayan Rao
19. Shri Shankar Rao Savant
20. Shri B. R. Shukla
21. Shri S N. Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary.

SECRETARIAT

Shri B. N. Banerjee, Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri Biswanath Bajpayee, Advocate, Calcutta.
- (2) Shri Basanta Kumar Panda, Representative of the West Bengal Lawyers' Association, Calcutta.
- (3) (i) Shri A. K. Biswas, (ii) Shri S. N. Ghose and (iii) Shri N. K. Prasad, Representatives of the Institute of Costs and Works Accountants, Calcutta.
- (4) Shri Shankar Das Banerjee, Bar-at-Law, Member of the Convention of Lawyers of Calcutta and surrounding areas.
- (5) Shri D. C. Mukherjee, Inspector General of Prisons, West Bengal.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.40 P.M. to meet again at 9.30 A.M. on Thursday, the 5th July, 1973.

XVII

SEVENTEENTH MEETING

The Committee met at 9.30 A.M. on Thursday the 5th July, 1973 in the erstwhile Council Chamber of West Bengal Assembly Building, Calcutta.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav

Lok Sabha

6. Shri R. V. Bade
7. Shri B. E. Choudhari
8. Shri Madhu Dandavate
9. Shri Dinesh Joarder
10. Shri Z. M. Kahandole
11. Shri Piloo Mody
12. Shri F. H. Mohsin
13. Shri Niti Raj Singh Chaudhury
14. Choudhury Ram Sewak
15. Shri M. Satyanarayan Rao
16. Shri Shanker Rao Savant
17. Shri B. R. Shukla
18. Shri S. N. Singh
19. Shri Ram Shekhar Prasad Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary.

SECRETARIAT

Shri B. N. Banerjee, Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri B. K. Gupta, Public Prosecutor, Berhampore, District Murshidabad.
- (2) Shri Subodh Banerjee, Representative of the Socialist Unity Centre of India, Calcutta.
- (3) (i) Shri A. P. Chatterjee and (ii) Shri Samar Kumar Datta, Representatives of the West Bengal Association of Democratic Lawyers, Calcutta.
- (4) Shri D. P. Roy, Public Prosecutor, High Court, Calcutta.
- (5) Shri Jyotirmoy Roy Chowdhary, Public Prosecutor 24 Parganas, Calcutta.
- (6) Smt. Manjula Sen Gupta, Superintendent, S.M.M. Home for Juvenile Offenders, Calcutta.

A verbatim record of the evidence was kept.

3. The Committee expressed its grateful thanks to the Chief Secretary to the Government of West Bengal and the Secretary to West Bengal Legislative Assembly, Calcutta, for the satisfactory arrangements made for holding the meetings of the Committee and for cooperation extended by them to facilitate the work of the Committee.

4. The Committee then adjourned at 1.30 P.M. to meet again at 9.30 A.M. on Thursday, the 12th July, 1973 in the Council House, Lucknow.

EIGHTEENTH MEETING

The Committee met at 9.30 A.M. on Thursday, the 12th July, 1973 in the Council House, Lucknow.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Virendra Kumar Sakhalecha
3. Shri Suraj Prasad
4. Shri Nageshwar Prasad Shahi

Lok Sabha

5. Shri P. Ankineedu Prasadarao
- 6 Shri Banamali Babu
7. Shri R. V. Bade
8. Shri Muhammed Khuda Bukhsh
9. Shri Dinesh Joarder
10. Shri Z. M. Kahandole
11. Shri Yamuna Prasad Mandal
12. Shri F. H. Mohsin
- 13 Shri Niti Raj Singh Chaudhury
14. Chowdhury Ram Sewak
15. Shri M. Satyanarayan Rao
16. Shri Shambhu Nath
17. Shri B. R. Shukla
18. Shri S. N. Singh
19. Shri R. P. Yadav

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri K. N. Goyal, Judicial Secretary and Legal Remembrancer to the Government of Uttar Pradesh, Lucknow.
2. Shri A. K. Das, Inspector General of Police, Government of Uttar Pradesh, Lucknow.
3. Shri Zangham Hyder, Advocate, Ex-M.L.A., and Ex-Chairman Municipal Board, Bahraich.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 2.10 P.M. to meet again at 9.30 A.M. on Friday, the 13th July, 1973.

XIX

NINETEENTH MEETING

The Committee met at 9.30 A.M. on Friday, the 13th July, 1973 in the Council House, Lucknow.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Virendra Kumar Sakhalecha
3. Shri Suraj Prasad
4. Shri Nageshwar Prasad Shahi
5. Shrimati Sumitra G. Kulkarni

Lok Sabha

6. Shri Banamali Babu
7. Shri R. V. Bade
8. Shri Muhammed Khuda Bukhsh
9. Shri Dinesh Joarder
10. Shri Z. M. Kahandole
11. Shri F. H. Mohsin
12. Shri Niti Raj Singh Chaudhury
13. Chowdhury Ram Sewak
14. Shri Shambhu Nath
15. Shri B. R. Shukla
16. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri B. N. Katju, Government Advocate and Public Prosecutor attached to the High Court at Allahabad, Lucknow Bench, Lucknow.

2. Shri J. B. Lal Srivastava, Superintendent, District Jail, Lucknow.
3. Shri P. L. P. Chaturvedi, Superintendent, Model Jail and Reformatory School, Lucknow.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 2.30 P.M. to meet again at 9.30 A.M. on Saturday, the 14th July, 1973.

XX

TWENTIETH MEETING

The Committee met at 9.30 A.M. on Saturday, the 14th July, 1973 in the Council House, Lucknow.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Suraj Prasad
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Ram Niwas Mirdha

Lok Sabha

7. Shri Banamali Babu
8. Shri R. V. Bade
9. Shri Khemchandbhai Chavda
10. Shri Madhu Dandavate
11. Shri Dinesh Joarder
12. Shri Z. M. Kahandole
13. Shri Piloo Mody
14. Shri Niti Raj Singh Chaudhury
15. Chowdhury Ram Sewak
16. Shri Shankar Rao Savant
17. Shri Shambhu Nath
18. Shri B. R. Shukla
19. Shri R. P. Yadav.

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Pandit Sri Dhar Misra, Advocate, Ex-Senior Standing Counsel, Government of Uttar Pradesh, Lucknow.
2. Shri Sashiḃhal Misra, Additional District Government Counsel for Moffussil Courts, Lucknow.
3. Shri Thakur Prasad Saksena, Advocate, President, Sangram Sainak Parishad, Lucknow.
4. Shri Rishi Ram, Government Advocate, High Court at Allahabad, Allahabad.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.50 P.M. to meet again at 9.30 A.M. on Monday, the 16th July, 1973.

XXI

TWENTY-FIRST MEETING

The Committee met at 9.30 A.M. on Monday, the 16th July, 1973 in the Council House, Lucknow.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Suraj Prasad
3. Shri Nageshwar Prasad Shaht
4. Shri Shyam Lal Yadav

Lok Sabha

5. Shri P. Ankineedu Prasadarao
6. Shri R. V. Bade
7. Shri B. E. Choudhari
8. Shri Khemchandbhai Chavda
9. Shri Madhu Dandavate
10. Shri Dinesh Joarder
11. Shri Z. M. Kahandole
12. Shri Yamuna Prasad Mandal
13. Chowdhury Ram Sewak
14. Shri Shankar Rao Savant
15. Shri Ram Shekhar Prasad Singh
16. Shri S. N. Singh

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri S. C. Goyal, Inspector General of Prisons, Government of Uttar Pradesh, Lucknow.
2. Shri D. N. Hatwal, Advocate, Representative of the Oudh Bar Association, Lucknow.
3. Shri Ravindra Nath, 100, Jagganathpur, Gorakhpur.
4. Shri T. P. Bhalla, I.P. (Retd.) Lucknow.
5. Shri Mahesh Prasad, Advocate, Gonda (U.P.)

A verbatim record of the evidence was kept.

3. The Committee expressed its grateful thanks to:—

1. Shri Gian Prakash, Chief Secretary to the Government of Uttar Pradesh.
2. Shri R. K. Kaul, Home Secretary, Government of Uttar Pradesh, Lucknow.
3. Shri B. J. Khodaiji, Special Secretary (Home Department) to the Government of Uttar Pradesh.
4. Shri K. L. Goel, Legal Remembrancer and Judicial Secretary to the Government of Uttar Pradesh.
5. Shri P. S. Pachauri, Secretary, Uttar Pradesh Legislative Council.
6. Shri D. N. Mithal, Secretary, Uttar Pradesh Vidhan Sabha.

for the satisfactory arrangements made by them for holding the meetings of the Committee at Lucknow and for the stay of Members. The Committee also expressed its thanks to Shri H. P. Sharma, Estate Officer for making transport arrangements for Members of the Committee and Shri B. L. Manchanda and Shri T. P. Sharma, two officers deputed by the Special Secretary (Home); to make arrangements for the stay of Members and for holding the meetings of the Committee.

4. The Chairman of the Committee was authorised to fix the next date of meeting during the ensuing session of Parliament to chalk out the future programme of sittings of the Committee.

5. The Committee then adjourned at 1.45 P.M.

XXII

TWENTY-SECOND MEETING

The Committee met at 3.30 P.M. on Tuesday, the 28th August, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Suraj Prasad
4. Shri Nageshwar Prasad Shahi
5. Shri Vithal Gadgil
6. Shrimati Sumitra G. Kulkarni

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri Banamali Babu
9. Shri Muhammed Khuda Bukhsh
10. Shri Khemchandbhai Chavda
11. Shri G. C. Dixit
12. Shri Pилоo Mody
13. Shri F. H. Mohsin
14. Chowdhury Ram Sewak
15. Shri M. Satyanarayan Rao
16. Shri Shankar Rao Savant
17. Shri Shambhu Nath
18. Shri Ram Shekhar Prasad Singh
19. Shri S. N. Singh

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee took up consideration of its future programme of sittings.

3. At the outset, the Chairman of the Committee read out the guidelines recently laid down by the General Purposes Committee of the Rajya Sabha in connection with the visits of Parliamentary Committees to places outside Delhi.

4. Members, however, felt that the Indian Penal Code (Amendment) Bill, 1972 which seeks to revise century-old Code is an important piece of legislation and it was necessary for them to obtain the opinion of eminent jurists and others from all over the country to help them in their deliberations.

5. After some discussion, the Committee decided that they should visit at least the following five more places:—

- (i) Trivandrum
- (ii) Shillong or Gauhati

- (iii) Jodhpur
- (iv) Chandigarh
- (v) Jabalpur

6. The Chairman was authorised to approach the Chairman, Rajya Sabha, for his permission to hold the sittings of Committee at those places. The Committee also decided to meet in Delhi from 17th to 21st September, 1973 (both days inclusive) for the purpose of recording oral evidence on the Bill of witnesses from Delhi and near about areas.

7. The Committee then adjourned at 4.25 P.M. to meet again at 9.00 A.M. on Monday, the 17th September, 1973, in Delhi.

XXIII

TWENTY-THIRD MEETING

The Committee met at 9.00 A.M. on Monday, the 17th September, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Virendra Kumar Sakhalecha
5. Shri Suraj Prasad
6. Shri Nageshwar Prasad Shahi
7. Shri Anand Narain Mulla
8. Shri Vithal Gadgil
9. Shrimati Sumitra G. Kulkarni
10. Shri Syed Ahmed
11. Shri M. Srinivasa Reddy
12. Shri V. V. Swaminathan
13. Shri Ram Niwas Mirdha

Lok Sabha

14. Shri Banamali Babu
15. Shri R. V. Bade
16. Shri Muhammed Khuda Buksh
17. Shri B. E. Choudhari
18. Shri Madhu Dandavate
19. Shri G. C. Dixit
20. Shri Tarun Gogoi
21. Shri Dinesh Joarder
22. Shri Z. M. Kahandole

23. Shri Piloo Mody
24. Shri Niti Raj Singh Chaudhury
25. Chowdhury Ram Sewak
26. Shri Shanker Rao Savant
27. Shri Shambhu Nath
28. Shri B. R. Shukla
29. Shri Ram Shekhar Prasad Singh
30. Shri S. N. Singh
31. Shri G. Viswanathan
32. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri Radhye Mohan Lal, Representative of the Bar Council of Delhi, Delhi.
- (2) Shri Parduman Kumar, Legal Adviser (Director, Public Prosecution), Delhi Police, New Delhi.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 11.30 A.M. to meet again at 10.00 A.M. on Tuesday, the 18th September, 1973.

XXIV

TWENTY-FOURTH MEETING

The Committee met at 10.00 A.M. on Tuesday, the 18th September, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Suraj Prasad
5. Shri Syed Hussain

6. Shri Anand Narain Mulla
7. Shri Vithal Gadgil
8. Shrimati Sumitra G. Kulkarni
9. Shri Syed Ahmed
10. Shri M. Srinivasa Reddy
11. Shri V. V. Swaminathan

Lok Sabha

12. Shri P. Ankineedu Prasadarao
13. Shri R. V. Bade
14. Shri H. K. L. Bhagat
15. Shri B. E. Choudhari
16. Shri Madhu Dandavate
17. Shri G. C. Dixit
18. Shri Dinesh Joarder
19. Shri Z. M. Kahandole
20. Shri Yamuna Prasad Mandal
21. Shri Pilloo Mody
22. Shri F. H. Mohsin
23. Shri Niti Raj Singh Choudhury
24. Shri M. Satyanarayan Rao
25. Shri Vayalar Ravi
26. Shri Shanker Rao Savant
27. Shri Shambhu Nath
28. Shri Ram Shekhar Prasad Singh
29. Shri S. N. Singh
30. Shri G. Viswanathan

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri D. Sen, Director, Central Bureau of Investigation, New Delhi.
- (2) Shri R. N. Sharma, Superintendent, Central Jail, Delhi.

A verbatim record of the evidence was kept.

3. The Chairman informed the Members that as decided by the Committee in its meeting held on 28th August, 1973, he had approached the Chairman, Rajya Sabha, for his permission to hold the sittings of the Committee at Trivandrum, Shillong or Gauhati, Jodhpur, Chandigarh and Jabalpur and that the Chairman, Rajya Sabha, has not granted permission to the Committee to hold meetings at those places.

4. The Committee then adjourned at 1.05 P.M. to meet again at 11.00 A.M. on Wednesday, the 19th September, 1973.

XXV

TWENTY-FIFTH MEETING

The Committee met at 11.00 A.M. on Wednesday, the 19th September, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Syed Hussain
5. Shri Anand Narain Mulla
6. Shri Vithal Gadgil
7. Shrimati Sumitra G. Kulkarni
8. Shri Syed Ahmed
9. Shri M. Srinivasa Reddy
10. Shri V. V. Swaminathan
11. Shri Ram Niwas Mirdha

Lok Sabha

12. Shri P. Ankineedu Prasadarao
13. Shri R. V. Bade
14. Shri H. K. L. Bhagat
15. Shri Muhammed Khuda Bukhsh
16. Shri G. C. Dixit
17. Shri Tarun Gogoi
18. Shri Dinesh Joarder
19. Shri Z. M. Kahandole
20. Shri Piloo Mody
21. Shri F. H. Mohsin
22. Shri Niti Raj Singh Chaudhury
23. Shri K. Narayana Rao
24. Shri M. Satyanarayan Rao
25. Shri Vayalar Ravi

26. Shri Ram Shekhar Prasad Singh
23. Shri Shanker Rao Savant
28. Shri S. N. Singh
29. Shri G. Viswanathan

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.
Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Representatives of the Delhi Hindustani Mercantile Association, Delhi:—
Shri Brij Bhushan Sharan, President
Shri R. K. Tandon
- (2) Representatives of the Uttar Pradesh Commission of Jurists, Mathura:—
Shri S. K. Singh, Secretary-General
Shri A. N. Chaturvedi, Member

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.30 P.M. to meet again at 10.00 A.M. on Thursday, the 20th September, 1973.

XXVI

TWENTY-SIXTH MEETING

The Committee met at 10.00 A.M. on Thursday, the 20th September, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Syed Hussain
5. Shri Anand Narain Mulla
6. Shri Vithal Gadgil
7. Shrimati Sumitra G. Kulkarni
8. Shri Syed Ahmed
9. Shri V. V. Swaminathan

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri R. V. Bade
12. Shri Muhammed Khuda Bukhsh
13. Shri Madhu Dandavate
14. Shri G. C. Dixit
15. Shri Tarun Gogoi
16. Shri Dinesh Joarder
17. Shri Z. M. Kahandole
18. Shri F. H. Mohsin
19. Shri Niti Raj Singh Chaudhury
20. Shri D. K. Panda
21. Shri M. Satyanarayan Rao
22. Shri Vayalar Ravi
23. Shri Shankar Rao Savant
24. Shri Shambhu Nath
25. Shri Ram Shekhar Prasad Singh
26. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri Vaidehi Charan Parashar, Advocate, Supreme Court, New Delhi.
- (2) Shri Rajni Kant, Secretary (Law and Judicial) Delhi Administration, Delhi.
- (3) Shri D. C. Pandey, Associate Research Professor, Indian Law Institute, Bhagwandas Road, New Delhi.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.30 P.M. to meet again at 10.00 A.M. on Friday, the 21st September, 1973.

XXVII

TWENTY-SEVENTH MEETING

The Committee met at 10.10 A.M. on Friday, the 21st September, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Virendra Kumar Sakhalecha
5. Shri Syed Hussain
6. Shri Vithal Gadgil
7. Shrimati Sumitra G. Kulkarni
8. Shri Syed Ahmed
9. Shri V. V. Swaminathan
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri B. E. Choudhari
15. Shri Madhu Dandavate
16. Shri G. C. Dixit
17. Shri Tarun Gogoi
18. Shri Dinesh Joarder
19. Shri Z. M. Kahandole
20. Shri Yamuna Prasad Mandal
21. Shri Pilloo Mody
22. Shri F. H. Mohsin
23. Shri Niti Raj Singh Chaudhury
24. Shri D. K. Panda
25. Shri M. Satyanarayan Rao
26. Shri Shanker Rao Savant
27. Shri Shambhu Nath
28. Shri B. R. Shukla
29. Shri Ram Shekhar Prasad Singh
30. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri K. Dayal, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

(1) Representatives of the Garib Janta Sangh, Kotla Mubarakpur, New Delhi.

Shri Gian Chand.

Shri B. D. Sharma.

(2) Representative of the Delhi High Court Bar Association, Delhi.

Shri I. D. Ahluwalia, Advocate, High Court and Standing Counsel for Delhi Administration.

A verbatim record of the evidence was kept.

3. The Committee thereafter considered its future programme of sittings and decided to meet on the 2nd, 3rd, 5th, 6th and 7th November, 1973 for the purpose of recording oral evidence on the Bill from some Delhi witnesses and witnesses from the States of Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir and Rajasthan.

4. The Committee then adjourned at 1.40 P.M. to meet again at 10.00 A.M. on Friday, the 2nd November, 1973.

XXVIII**TWENTY-EIGHTH MEETING**

The Committee met at 10.00 A.M. on Friday, the 2nd November, 1973.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Virendra Kumar Sakhalecha
5. Shri Suraj Prasad
6. Shrimati Sumitra G. Kulkarni
7. Shri Syed Ahmed
8. Shri V. V. Swaminathan
9. Shri Shyam Lal Yadav
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Muhammed Khuda Bukhsh
15. Shri G. C. Dixit
16. Shri Dinesh Joarder
17. Shri Z. M. Kahandole
18. Shri F. H. Mohsin
19. Shri Niti Raj Singh Chaudhury
20. Shri R. Balakrishna Pillai
21. Chowdhury Ram Sewak
22. Shri K. Narayana Rao
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri Shambhu Nath
26. Shri B. R. Shukla
27. Shri Ram Shekhar Prasad Singh
28. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri Satyananda Shastri, Under Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri V. K. Kapur, District Magistrate, Delhi.
- (2) Shri P. L. Chhabra, Home Secretary, Government of Haryana, Chandigarh.
- (3) Shri R. K. Raizada, Lecturer, University of Kurukshetra, Kurukshetra.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.00 P.M. to meet again at 10.00 A.M. on Saturday, the 3rd November, 1973.

XXIX

TWENTY-NINTH MEETING

The Committee met at 10.00 A.M. on Saturday, the 3rd November, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Suraj Prasad
5. Shri Nageshwar Prasad Shahi
6. Shri Anand Narain Mulla
7. Shri Vithal Gadgil
8. Shrimati Sumitra G. Kulkarni
9. Shri Syed Ahmed
10. Shri V. V. Swaminathan
11. Shri Shyam Lal Yadav

Lok Sabha

12. Shri P. Ankineedu Prasadarao
13. Shri Banamali Babu
14. Shri R. V. Bade
15. Shri H. K. L. Bhagat
16. Shri Muhammed Khuda Bukhsh
17. Shri Z. M. Kahandole
18. Shri F. H. Mohsin
19. Shri Niti Raj Singh Choudhury
20. Shri N. Balakrishna Pillai
21. Chowdhury Ram Sewak
22. Shri K. Narayana Rao
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri B. R. Shukla
26. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri Satyananda Shastri, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri F. S. Nariman, Additional Solicitor General, India, New Delhi.
- (2) (i) Shri Danial Latifi and (ii) Shri S. K. Mehta, Representative of the Supreme Court Bar Association, New Delhi.

Shri F. S. Nariman, who had not concluded his evidence on the 29th January, 1973, gave further evidence to-day. He will continue his evidence on Monday, the 5th November, 1973.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.30 P.M. to meet again at 9.30 A.M. on Monday, the 5th November, 1973.

XXX

THIRTIETH MEETING

The Committee met at 9.30 A.M. on Monday, the 5th November, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Anand Narain Mulla
5. Shri Vithal Gadgil
6. Shrimati Sumitra G. Kulkarni

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri R. V. Bade
9. Shri Muhammed Khuda Bukhsh
10. Shri Madhu Dandavate
11. Shri Tarun Gogoi
12. Shri Yamuna Prasad Mandal
13. Shri Pilloo Mody
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Chowdhury Ram Sewak
17. Shri M. Satyanarayan Rao
18. Shri Vayalar Ravi
19. Shri Shanker Rao Savant
20. Shri Shambhu Nath
21. Shri B. R. Shukla

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri Satyananda Shastri, Under Secretary.

2. The Committee heard the further oral evidence tendered by Shri F. S. Nariman, Additional Solicitor General, India, New Delhi.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.15 P.M. to meet again at 10.30 A.M. on Wednesday, the 7th November, 1973.

XXXI

THIRTY-FIRST MEETING

The Committee met at 10.30 A.M. on Wednesday, the 7th November, 1973.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri M. Ruthnaswamy
4. Shri Virendra Kumar Sakhlecha
5. Shri Suraj Prasad
6. Shri Syed Hussain
7. Shri Anand Narain Mulla
8. Shrimati Sumitra G. Kulkarni
9. Shri Syed Ahmed
10. Shri Shyam Lal Yadav

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Muhammed Khuda Bukhsh
15. Shri Madhu Dandavate
16. Shri G. C. Dixit

17. Shri Tarun Gogoi
18. Shri Yamuna Prasad Mandal
19. Shri F. H. Mohsin
20. Shri Niti Raj Singh Chaudhury
21. Shri M. Satyanarayan Rao
22. Shri Shanker Rao Savant
23. Shri Shambhu Nath
24. Shri Ram Shekhar Prasad Singh
25. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri Satyananda Shastri, Under Secretary

2. The Committee held a general discussion on the various provisions of the Bill.

3. The Committee then heard the oral evidence tendered by the following representatives of the Bar Council of India:—

1. Shri R. B. Jethmalani
2. Shri A. N. Veeraraghavan

A verbatim record of the evidence was kept.

4. The Committee decided to ask for extension of time upto the first day of the last week of the Autumn Session-1974 (Eighty-ninth Session) of the Rajya Sabha for the presentation of its report and authorised the Chairman or in his absence Shri Shyam Lal Yadav to move the necessary motion in the House.

5. The Committee was of unanimous view that as the Bill sought to make comprehensive and far-reaching amendments in the century old Indian Penal Code for bringing about several important changes in the basic and substantive law of crimes in India with a view to giving effect to modern ideas on crime and criminology, it was very essential for the Committee to have the benefit of the views of all sections of the community, including judges, eminent lawyers, jurists, public men and others from all over the country.

The Committee, however, noted that the witnesses whose views on the Bill the Committee wanted to hear were not forthcoming to give evidence at Delhi.

The Committee, therefore, resolved that the Chairman, Rajya Sabha, should once again be approached for seeking his permission for the Committee to hold its meetings for the purpose of recording oral evidence at least at the following places:—

- (i) Ernakulam
- (ii) Shillong and
- (iii) Jodhpur

The Committee authorised its Chairman to take necessary action in this regard.

6. The Committee thereafter considered its future programme of sittings and decided as follows:—

- (i) to meet at Ernakulam, subject to the permission of the Chairman, Rajya Sabha, on the 3rd, 4th, 5th, 6th and 7th January, 1974 to hear oral evidence of witnesses from the States of Kerala, Tamil Nadu and Andhra Pradesh.
- (ii) to meet at Delhi on the 28th, 29th, 30th and 31st January, 1974 to hear oral evidence of witnesses from the States of Bihar, Jammu and Kashmir, Haryana, Punjab and Himachal Pradesh.

The Committee then adjourned at 1.40 P.M.

XXXII

THIRTY-SECOND MEETING

The Committee met at 10.30 A.M. on Thursday, the 3rd January, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhlecha
4. Shri Suraj Prasad
5. Shri Syed Hussain
6. Shri Anand Narain Mulla
7. Shrimati Sumitra G. Kulkarni
8. Shri Syed Ahmed
9. Shri V. V. Swaminathan
10. Shri Shyam Lal Yadav
11. Shri Ram Niwas Mirdha

Lok Sabha

12. Shri P. Ankineedu Prasadarao
13. Shri R. V. Bade

14. Shri H. K. L. Bhagat
15. Shri Muhammed Khuda Bukhsh
16. Shri Tarun Gogoi
17. Shri Dinesh Joarder
18. Shri Z. M. Kahandole
19. Shri Yamuna Prasad Mandal
20. Shri Piloo Mody
21. Shri Niti Raj Singh Chaudhury
22. Chodhury Ram Sewak
23. Shri Shanker Rao Savant
24. Shri B. R. Shukla
25. Shri Ram Shekhar Prasad Singh
26. Shri S. N. Singh
27. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri Kulwant Singh Ahluwalia, Commissioner for Home Affairs, Government of Punjab, Chandigarh.
- (2) Shri Hans Raj Mehta, Representative of the Bar Council of Punjab and Haryana, Chandigarh.

3. The Chairman informed the Members that as decided by the Committee at its meeting held on the 7th November, 1973, the Chairman, Rajya Sabha, who was approached for according permission to the Committee for holding its sittings at three places outside Delhi viz., (i) Ernakulam (ii) Shillong and (iii) Jodhpur, for the purpose of recording oral evidence expressed his inability to accord permission to the Committee to go to all the three places. He, however, agreed that the Committee may decide one place where they would like to go and then approach him for necessary permission. The Committee, after some discussion, decided to hold its meetings for the purpose of recording oral evidence of the witnesses from the States of Kerala, Tamil Nadu and Andhra Pradesh at Trivandrum (or if this is not possible, at Ernakulam) on the 1st, 2nd, 4th and 5th February, 1974 and authorised the Chairman to approach the Chairman,

Rajya Sabha, for his permission to the Committee holding its meetings at Trivandrum/Ernakulam.

The Committee then adjourned at 1.10 P.M. to meet again at 10.30 A.M. on Friday, the 4th January, 1974.

XXXIII

THIRTY-THIRD MEETING

The Committee met at 10.30 A.M. on Friday, the 4th January, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Suraj Prasad
4. Shri Nageshwar Prasad Shahi
5. Shri Syed Hussain
6. Shri Anand Narain Mulla
7. Shrimati Sumitra G. Kulkarni
8. Shri Syed Ahmed
9. Shri Ram Niwas Mirdha

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri R. V. Bade
12. Shri Muhammed Khuda Bukhsh
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri Z. M. Kahandole
16. Shri Niti Raj Singh Chaudhury
17. Shri Shanker Rao Savant
18. Shri Ram Shekhar Prasad Singh
19. Shri S. N. Singh
20. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence tendered by Shri A. P. Chowdhari, Legal Remembrancer, Chandigarh Administration, Chandigarh.

A verbatim record of the oral evidence was kept.

The Committee then adjourned at 11.40 A.M. to meet again at 11.00 A.M. on Monday, the 7th January, 1974.

XXXIV

THIRTY-FOURTH MEETING

The Committee met at 11.00 A.M. on Monday, the 7th January, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Syed Hussain
5. Shri Anand Narain Mulla
6. Shrimati Sumitra G. Kulkarni
7. Shri Syed Ahmed

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri R. V. Bade
10. Shri H. K. L. Bhagat
11. Shri Muhammed Khuda Bukhsh
12. Shri B. E. Choudhari
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri Z. M. Kahandole
16. Shri Yamuna Prasad Mandal
17. Shri Niti Raj Singh Chaudhury
18. Chowdhury Ram Sewak
19. Shri Shanker Rao Savant
20. Shri Ram Shekhar Prasad Singh
21. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumder, Under Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri S. Banerji, Chief Secretary to the Government of Jammu and Kashmir, Jammu.
- (2) Shri B. S. Yadav, Inspector General of Police, Government of Himachal Pradesh, Simla.
- (3) Dr. B. P. Chauhan, Professor and Head, Department of Laws, Faculty of Law, Himachal Pradesh University, Simla.

A verbatim record of the evidence was kept.

The Committee then adjourned at 2.10 P.M. to meet again at 10.00 A.M. on Tuesday, the 8th January, 1974.

XXXV

THIRTY-FIFTH MEETING

The Committee met at 10.00 A.M. on Tuesday, the 8th January, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shri Syed Hussain
6. Shri Anand Narain Mulla
7. Shrimati Sum'tra G. Kulkarni
8. Shri Syed Ahmed
9. Shri Shyam Lal Yadav
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Muhammed Khuda Bukhsh
15. Shri B. E. Choudhari
16. Shri Khemchandbhai Chavda
17. Shri Z. M. Kahandole
18. Shri Yamuna Prasad Mandal
19. Shri Niti Raj Singh Chaudhury
20. Chowdhury Ram Sewak
21. Shri M. Satyanarayan Rao
22. Shri Vayalar Ravi
23. Shri Shanker Rao Savant
24. Shri Shambhu Nath
25. Shri B. R. Shukla
26. Shri Ram Shekhar Prasad Singh
27. Shri S. N. Singh
28. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumder, Under Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

- (1) Shri J. R. Chhabra, Inspector General of Police, Government of Punjab Chandigarh.
- (2) (i) Shri U. N. Sharma, Chief Secretary to the Government of Himachal Pradesh, Simla.
(ii) Shri Joseph Dina Nath, O.S.D. (Law), Government of Himachal Pradesh, Simla.
- (3) Shri Surendra Nath, I.P.S. Inspector General of Police, Government of Jammu and Kashmir, Jammu.
- (4) Representatives of the Institute of Chartered Accountants of India, New Delhi:
 - (i) Shri S. K. Gupta

- (ii) Shri R. K. Khanna
- (iii) Shri B. R. Maheshwari
- (iv) Shri V. Rajaraman
- (v) Shri C. Balakrishnan

A verbatim record of the evidence was kept.

3. The Committee again considered whether the next series of its meetings may be held at Trivandrum/Ernakulam from 1st to 5th February, 1974 as decided in its meeting held on the 3rd January, 1974 or sometime after the ensuing Budget Session of Parliament. After some discussion, the Committee authorised its Chairman to take a decision in the matter.

4. The Committee then adjourned at 2.10 P.M.

XXXVI

THIRTY-SIXTH MEETING

The Committee met at 10.00 A.M. on Friday, the 1st February, 1974 in the Council Hall of the Cochin Corporation, Ernakulam.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Virendra Kumar Sakhalecha
3. Shri Syed Hussain
4. Shrimati Sumitra G. Kulkarni
5. Shri V. V. Swaminathan

Lok Sabha

6. Shri P. Ankineedu Prasadarao
7. Shri R. V. Bade
8. Shri Muhammed Khuda Bukhsh
9. Shri B. E. Choudhari
10. Shri Khemchandbhai Chavda
11. Shri Yamuna Prasad Mandal
12. Shri F. H. Mohsin
13. Shri R. Balakrishna Pillai
14. Shri Shanker Rao Savant
15. Shri S. N. Singh
16. Shri R. P. Yadav

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

(1) Shri S. P. Ambrose, Home Secretary, Government of Tamil-nadu, Madras.

(2) Shri K. R. Shenai, Commissioner of Police, Madras.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.35 P.M. to meet again at 10.00 A.M. on Saturday, the 2nd February, 1974.

XXXVII

THIRTY-SEVENTH MEETING

The Committee met at 10.00 A.M. on Saturday, the 2nd February, 1974 in the Council Hall of the Cochin Corporation, Ernakulam.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Virendra Kumar Sakhalecha
3. Shri Syed Hussain
4. Shrimati Sumitra G. Kulkarni

Lok Sabha

5. Shri P. Ankineedu Prasadarao
6. Shri R. V. Bade
7. Shri Muhammed Khuda Bukhsh
8. Shri B. E. Choudhari
9. Shri Khemchandbhai Chavda
10. Shri Madhu Dandavate
11. Shri Yamuna Prasad Mandal
12. Shri F. H. Mohsin
13. Shri M. Satyanarayan Rao
14. Shri Shanker Rao Savant
15. Shri S. N. Singh
16. Shri R. P. Yadav

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri Y. Venkateswara Rao, Judicial First Class Magistrate, Guntur (Andhra Pradesh).

2. Shri G. John Arthur, Chief Presidency Magistrate, Madras.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.35 P.M. to meet again at 10.00 A.M. on Monday, the 4th February, 1974.

XXXVIII

THIRTY-EIGHTH MEETING

The Committee met at 10.00 A.M. on Monday, the 4th February, 1974 in the Council Hall of the Cochin Corporation, Ernakulam.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Virendra Kumar Sakhalecha
3. Shri Syed Hussain

Lok Sabha

4. Shri P. Ankineedu Prasadarao
5. Shri R. V. Bade
6. Shri Muhammed Khuda Bukhsh
7. Shri B. E. Choudhari
8. Shri Khemchandbhai Chavda
9. Shri Madhu Dandavate
10. Shri Yamuna Prasad Mandal
11. Shri R. Balakrishna Pillai
12. Shri K. Narayana Rao
13. Shri M. Satyanarayan Rao
14. Shri Shanker Rao Savant
15. Shri S. N. Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri T. C. N. Menon, Senior Government Pleader, High Court of Kerala, Ernakulam.

2. Shri S. Sivaraman, Additional District Judge, North Parur, Ernakulam Distt., Kerala State.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.40 P.M. to meet again at 10.00 A.M. on Tuesday, the 5th February, 1974.

XXXIX

THIRTY-NINTH MEETING

The Committee met at 10.00 A.M. on Tuesday, the 5th February, 1974 in the Council Hall of the Cochin Corporation, Ernakulam.

MEMBERS PRESENT

Rajya Sabha

1. Shri Ram Sahai—*Chairman*
2. Shri Virendra Kumar Sakhalecha
3. Shri Syed Hussain
4. Shri V. V. Swaminathan

Lok Sabha

5. Shri P. Ankineedu Prasadarao
6. Shri R. V. Bade
7. Shri B. E. Choudhari
8. Shri Madhu Dandavate
9. Shri Yamuna Prasad Mandal
10. Shri R. Balakrishna Pillai
11. Shri K. Narayana Rao
12. Shri M. Satyanarayan Rao
13. Shri Vayalar Ravi
14. Shri Shanker Rao Savant
15. Shri S. N. Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. Balakrishnan, Joint Secretary

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri T.A.S. Iyer, I.P.S., Deputy Inspector-General of Police, Central Range, Cochin.
2. (i) Shri N. Govindan Nair, Advocate and (ii) Shri V. K. Hamza, Advocate, Representatives of the Bar Council of Kerala, Ernakulam.

3. (i) Shri M. Rajasekharan Nair, Advocate and (ii) Shri P. C. Abraham, Advocate, Representatives of the Kerala High Court, Advocates Association, Ernakulam.
4. Shri M. B. Kurup, Senior Public Prosecutor, Office of the Advocate General, Cochin.
5. Shri P. S. Usuph, Public Prosecutor, District Court Ernakulam.
6. Dr. A. T. Markos, Dean, Faculty of Law, University of Cochin, Cochin .

A verbatim record of the evidence was kept.

3. The Committee expressed its grateful thanks to (i) the Chief Secretary to the Government of Kerala (ii) Shri M.P.G. Nambisan, A.D.M., Ernakulam; (iii) Shri P. A. Varghese, Commissioner of Cochin Corporation; (iv) Shri Vinsent Joseph of the Tourism Department; and (v) Shri C. K. Ramankutty of P.W.D. for the satisfactory arrangements made by them for holding the meetings of the Committee at Ernakulam and for the stay of Members.

4. The Committee authorised the Chairman to fix the date of the next meeting of the Committee.

The Committee then adjourned at 2.00 P.M.

XL

FORTIETH MEETING

The Committee met at 2.30 P.M. on Friday, the 10th May, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri K. P. Singh Deo
9. Shri Ram Niwas Mirdha

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri Banamali Babu
12. Shri R. V. Bade
13. Shri Muhammed Khuda Bukhsh
14. Shri B. E. Choudhari
15. Shri G. C. Dixit
16. Shri Tarun Gogoi
17. Shri Dinesh Joarder
18. Shri Yamuna Prasad Mandal
19. Shri F. H. Mohsin

20. Shri Niti Raj Singh Chaudhury
21. Chowdhury Ram Sewak
22. Shri M. Satyanarayan Rao
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri Shambhu Nath
26. Shri B. R. Shukla
27. Shri Ram Shekhar Prasad Singh
28. Shri S. N. Singh
29. Shri G. Viswanathan
30. Shri R. P. Yadav

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE

Shri C R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumder, Under Secretary.

2. The Chairman welcomed the new Members of the Committee and the Members felicitated the new Chairman.

3. The Chairman then read out a letter from Shri Ram Sahai, ex-Chairman of the Committee, who retired from the membership of the Rajya Sabha on the 2nd April, 1974 expressing his grateful thanks to the Members for their cooperation and assistance given to him during his tenure as Chairman of the Committee.

4. The Committee placed on record their warm appreciation of the valuable guidance and the able manner in which Shri Ram Sahai conducted the proceedings of the Committee as its Chairman. The Committee desired that their feelings be conveyed to Shri Ram Sahai.

5. The Committee thereafter considered its future programme of sittings. The Chairman informed the Members about the progress of the work done by the Committee so far. Some Members pointed out that no evidence has so far been recorded by the Committee from witnesses from the eastern region of the country more especially the tribal areas. After some discussion the Committee decided to hold its sittings at Shillong or if no accommodation is available there at Gauhati to record oral evidence from the witnesses belonging to the States of Assam, Meghalaya, Manipur, Tripura, Nagaland, Arunachal Pradesh and Mizoram.

6. The Committee authorised the Chairman of the Committee to approach the Chairman, Rajya Sabha, for his permission for holding the meetings of the Committee at Shillong or Gauhati.

7. Subject to the Chairman's permission the Committee decided to hold its sittings at Shillong/Gauhati from 10th to 14th June, 1974.

8. The Committee also decided to meet in Delhi from 8th to 12th July, 1974 for this purpose of hearing oral evidence of witnesses from the States of Bihar, Rajasthan, Madhya Pradesh and Orissa.

The Committee then adjourned at 3.30 P.M.

XLI

FORTY-FIRST MEETING

The Committee met at 9.30 A.M. on Monday, the 10th June, 1974 in the Old Council Hall, Shillong.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shrimati Sumitra G. Kulkarni
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri K. P. Singh Deo

Lok Sabha

9. Shri H.K.L. Bhagat
10. Shri Muhammed Khuda Bukhsh
11. Shri Khemchandbhai Chavda
12. Shri Madhu Dandavate
13. Shri Dinesh Joarder
14. Shri Yamuna Prasad Mandal
15. Shri F. H. Mohsin
16. Shri R. Balakrishna Pillai
17. Chowdhury Ram Sewak
18. Shri M. Satyanarayan Rao
19. Shri Vayalar Ravi
20. Shri Shambhu Nath
21. Shri Ram Shekhar Prasad Singh
22. Shri S. N. Singh
23. Shri G. Viswanathan
24. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri R. K. Mazumder, Under Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri A. Alley, President, Shillong Bar Association, Shillong.
2. Shri A. S. Khongphai, Member Bar Council of Assam, Meghalaya, Nagaland, Manipur, Tripura and Union Territories of Mizoram and Arunachal Pradesh.
3. Shri Moham Singh, M.L.A., Meghalaya Assembly, Shillong.
4. Shri B. P. Dutta, Secretary, Shillong Bar Association, Shillong.

3. The evidence tendered by the witnesses was not concluded. At the request of the witnesses, the Committee decided to hear further evidence of Shri A. Alley and Shri A. S. Khongphai on the 14th June, 1974, and of Shri Moham Singh and Shri B. P. Dutta at 9.30 A.M. on the 11th June, 1974.

A verbatim record of the evidence was kept.

4. The Committee decided to invite some eminent jurists for giving oral evidence before the Committee during the next series of sittings of the Committee scheduled to be held at Delhi from 8th July, 1974.

The Committee then adjourned at 11.15 A.M. to meet again at 9.30 A.M. on Tuesday, the 11th June, 1974.

XLII

FORTY-SECOND MEETING

The Committee met at 9.30 A.M. on Tuesday, the 11th June, 1974 in the Old Council Hall, Shillong.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi

7. Shri Nathi Singh
8. Shri K. P. Singh Deo

Lok Sabha

9. Shri H. K. L. Bhagat
10. Shri Muhammed Khuda Bukhsh
11. Shri Khemchandbhai Chavda
12. Shri Madhu Dandavate
13. Shri Dinesh Joarder
14. Shri Yamuna Prasad Mandal
15. Shri F. H. Mohsin
16. Shri R. Balakrishna Pillai
17. Chowdhury Ram Sewak
18. Shri Vayalar Ravi
19. Shri Shambhu Nath
20. Shri B. R. Shukla
21. Shri Ram Shekhar Prasad Singh
22. Shri S. N. Singh
23. Shri G. Viswanathan
24. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence of the following witnesses, which could not be completed on the 10th June, 1974.

1. Shri Moham Singh, M.L.A., Meghalaya Legislative Assembly, Shillong.
2. Shri B. P. Dutta, Secretary, Shillong Bar Association, Shillong.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 11.45 A.M. to meet again at 9.30 A.M. on Wednesday, the 12th June, 1974.

XLIII

FORTY-THIRD MEETING

The Committee met at 9.30 A.M. on Wednesday, the 12th June, 1974
in the Old Council Hall, Shillong.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shrimati Sumitra G. Kulkarni
4. Shri Shyam Lal Yadav
5. Shri Jagdish Joshi
6. Shri Nathi Singh
7. Shri K. P. Singh Deo

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri H. K. L. Bhagat
10. Shri Muhammed Khuda Bukhsh
11. Shri B. E. Choudhari
12. Shri Khemchandbhai Chavda
13. Shri Madhu Dandavate
14. Shri Dinesh Joarder
15. Shri Yamuna Prasad Mandal
16. Shri F. H. Mohsin
17. Shri R. Balakrishna Pillai
18. Chowdhury Ram Sewak
19. Shri Vayalar Ravi
20. Shri Shambhu Nath
21. Shri B. R. Shukla
22. Shri Ram Shekhar Prasad Singh
23. Shri S. N. Singh
24. Shri G. Viswanathan
25. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri R. Natarajan, I.A.S. Home Secretary, Government of Meghalaya, Shillong.
2. Shri M. I. S. Iyer, D.I.G. (P), Meghalaya Government, Shillong.
3. Shri S. N. Phukan, Legal Remembrancer, Government of Meghalaya, Shillong.
4. Shri H. C. Nath, Advocate General, Government of Tripura, Tripura.
5. Shri S. Chakravarty, Law Secretary, Government of Tripura, Tripura.

A verbatim record of the oral evidence was kept.

The Committee then adjourned at 1.05 P.M. to meet again at 4.30 P.M. on Thursday, the 13th June, 1974.

XLIV

FORTY-FOURTH MEETING

The Committee met at 4.30 P.M. on Thursday, the 13th June, 1974 in the Old Council Hall, Shillong.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shrimati Sumitra G. Kulkarni
3. Shri Shyam Lal Yadav
4. Shri Jagdish Joshi
5. Shri Nathi Singh
6. Shri K. P. Singh Deo

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri H. K. L. Bhagat
9. Shri B. E. Choudhari
10. Shri Khemchandbhai Chavda
11. Shri Madhu Dandavate
12. Shri Dinesh Joarder
13. Shri Yamuna Prasad Mandal

14. Shri F. H. Mohsin
15. Shri R. Balakrishna Pillai
16. Shri Vayalar Ravi
17. Shri Shambhu Nath
18. Shri B. R. Shukla
19. Shri Ram Shekhar Prasad Singh
20. Shri S. N. Singh
21. Shri G. Viswanathan
22. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri R. K. Mazumder, Under Secretary

2. The Committee heard the oral evidence tendered by Shri B. B. Lyngdoh, Minister of Law, Government of Meghalaya, Shillong.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 6.15 P.M. to meet again at 8.30 A.M. on Friday, the 14th June, 1974.

XLV

FORTY-FIFTH MEETING

The Committee met at 8.30 A.M. on Friday, the 14th June, 1974 in the Old Council Hall, Shillong.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Jagdish Joshi
3. Shri Nathi Singh

Lok Sabha

4. Shri P. Ankineedu Prasadarao
5. Shri H. K. L. Bhagat
6. Shri B. E. Choudhari

7. Shri Khemchandbhai Chavda
8. Shri Dinesh Joarder
9. Shri Yamuna Prasad Mandal
10. Shri B. R. Shukla
11. Shri Ram Shekhar Prasad Singh
12. Shri S. N. Singh
13. Shri G. Viswanathan
14. Shri R. P. Yadav
15. Shri K. Narayana Rao

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE

Shri P. L. Gupta, Additional Legislative Counsel

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence of the following witnesses, which could not be completed on the 10th June, 1974.

1. Shri A. Alley, President, Shillong Bar Association, Shillong.
2. Shri A. S. Khongphai, Member, Bar Council of Assam, Meghalaya, Nagaland, Manipur, Tripura and Union Territories of Mizoram and Arunachal Pradesh.

A verbatim record of the evidence was kept.

3. The Committee expressed its grateful thanks to the Speaker, the Secretary and the staff of the Meghalaya Legislative Assembly, Shillong, and the Hostel Superintendent and the Staff of the M.L.A.'s Hostel, Shillong. It also expressed its grateful thanks to:—

The Chief Secretary to the Government of Meghalaya; Shri R. Natarajan, I.A.S., Home Secretary;

Shri C. N. S. Nair, I.A.S., Principal Private Secretary to the Chief Minister of Meghalaya;

Shri T. Cajee, I.A.S. Secretary, G.A.D.;

Shri F. B. Lyngdoh, Deputy Secretary, G.A.D.; and

Shri J. N. Deka, A.C.S., Extra Assistant Commissioner and Magistrate, Shillong; and

other officers of the Meghalaya Government—for the satisfactory arrangements made by them for holding the meetings of the Committee and the stay of Members at Shillong.

The Committee then adjourned at 11.15 A.M. to meet again at 10.00 A.M. on Monday, the 8th July, 1974 in New Delhi.

XLVI

FORTY-SIXTH MEETING

The Committee met at 10.00 A.M. on Monday, the 8th July, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair*
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri K. P. Singh Deo
9. Shri Veerendra Patil
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri Banamali Babu
13. Shri R. V. Bade
14. Shri Muhammed Khuda Bukhsh
15. Shri Khemchandbhai Chavda
16. Shri Tarun Gogoi
17. Shri Dinesh Joarder
18. Shri G. Y. Krishnan
19. Shri Yamuna Prasad Mandal
20. Shri Pилоo Mody
21. Shri F. H. Mohsin
22. Shri Niti Raj Singh Chaudhury
23. Chowdhury Ram Sewak
24. Shri K. Narayana Rao
25. Shri Vayalar Ravi
26. Shri Shanker Rao Savant
27. Shri Shambhu Nath
28. Shri B. R. Shukla
29. Shri Ram Shekhar Prasad Singh
30. Shri S. N. Singh
31. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumder, Under Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee heard the oral evidence tendered by the following witnesses:—

1. Mr. Justice Hardayal Hardy, Retired Chief Justice, Delhi High Court, Delhi.

2. Shri S. Venugopal Rao, Director, Bureau of Police Research and Development, New Delhi.

Shri S. Venugopal Rao had not concluded his evidence. The Committee decided to hear him further on Tuesday, the 9th July, 1974 at 10.00 A.M.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 1.05 P.M. to meet again at 10.00 A.M. on Tuesday, the 9th July, 1974.

 XLVII

FORTY-SEVENTH MEETING

The Committee met at 10.00 A.M. on Tuesday, the 9th July, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair*.
2. Shri Virendra Kumar Sakhalecha
3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla
5. Shrimati Sumitra G. Kulkarni
6. Shri Shyam Lal Yadav
7. Shri Jagdish Joshi
8. Shri Kalp Nath
9. Shri K. P. Singh Deo

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri R. V. Bade
12. Shri Muhammed Khuda Bukhsh
13. Shri B. E. Choudhari

14. Shri Madhu Dandavate
15. Shri Tarun Gogoi
16. Shri Dinesh Joarder
17. Shri G. Y. Krishnan
18. Shri Yamuna Prasad Mandal
19. Shri Piloo Mody
20. Shri F. H. Mohsin
21. Chowdhury Ram Sewak
22. Shri Shanker Rao Savant
23. Shri B. R. Shukla
24. Shri Ram Shekhar Prasad Singh
25. Shri S. N. Singh
26. Shri R. P. Yadav
27. Shri Niti Raj Singh Chaudhury

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumder, Under Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee heard the oral evidence tendered by the following witnesses—

1. Shri S. Venugopal Rao Director, Bureau of Police Research and Development, New Delhi.
2. Shri D. Dass, Deputy Secretary, Law Department, Government of Bihar, Patna.
3. Shri Sankat Haran Singh, Representative of the Bar Council of Bihar, Patna.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 12.30 P.M. to meet again at 10.00 A.M. on Wednesday, the 10th July, 1974.

XLVIII

FORTY-EIGHTH MEETING

The Committee met at 10.00 A.M. on Wednesday, the 10th July, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—in the Chair.
2. Shri Virendra Kumar Sakhalecha
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Kalp Nath
8. Shri K. P. Singh Deo
9. Shri Ram Niwas Mirdha

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri R. V. Bade
12. Shri Muhammed Khuda Bukhsh
13. Shri Madhu Dandavate
14. Shri Z. M. Kahandole
15. Shri Yamuna Prasad Mandal
16. Shri Pилоo Mody
17. Shri F. H. Mohsin
18. Shri Niti Raj Singh Chaudhury
19. Shri M. Satyanarayan Rao
20. Shri Shanker Rao Savant
21. Shri Shambhu Nath
22. Shri B. R. Shukla
23. Shri Ram Shekhar Prasad Singh
24. Shri S. N. Singh
25. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumder, Under Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri Devi Singh Galhot, Law Secretary to the Government of Rajasthan, Jaipur.
2. Shri M. K. Saxena, Inspector General of Police, C.I.D. (Crimes) and Railways, Jaipur.
3. Dr. G. S. Sharma, Senior Professor and Dean of the Faculty of Law, Rajasthan University, Jaipur.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 1.30 P.M. to meet again at 10.00 A.M. on Thursday, the 11th July, 1974.

XLIX

FORTY-NINTH MEETING

The Committee met at 10.00 A.M. on Thursday, the 11th July, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair*
2. Shri Virendra Kumar Sakhalecha
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri Kalp Nath
9. Shri K. P. Singh Deo
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri R. V. Bade
13. Shri Muhammed Khuda Bukhsh
14. Shri Khemchandbhai Chavda
15. Shri Madhu Dandavate
16. Shri Tarun Gogoi
17. Shri Z. M. Kahandole
18. Shri Yamuna Prasad Mandal
19. Shri Pilloo Mody
20. Shri F. H. Mohsin

21. Shri Niti Raj Singh Chaudhury
22. Chowdhury Ram Sewak
23. Shri K. Narayana Rao
24. Shri Vayalar Ravi
25. Shri Shanker Rao Savant
26. Shri B. R. Shukla
27. Shri Ram Shekhar Prasad Singh
28. Shri S. N. Singh
29. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee heard the oral evidence tendered by Shri P.M. Bakshi, Members-Secretary, Law Commission of India, New Delhi. He had not concluded his evidence and the Committee decided to hear him further on some future date.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 12.35 P.M. to meet again at 10.00 A.M. on Friday, the 12th July, 1974.

L

FIFTIETH MEETING

The Committee met at 10.00 A.M. on Friday, the 12th July, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair*.
2. Shri Virendra Kumar Sakhalecha
3. Shri Anand Narain Mulla
4. Shri Jagdish Joshi
5. Shri Nathi Singh

6. Shri Kalp Nath
7. Shri Ram Niwas Mirdha

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri R. V. Bade
10. Shri Muhammed Khuda Bukhsh
11. Shri B. E. Choudhari
12. Shri Khemchandbhai Chavda
13. Shri Madhu Dandavate
14. Shri Tarun Gogoi
15. Shri Z. M. Kahandole
16. Shri F. H. Mohsin
17. Shri Niti Raj Singh Chaudhury
18. Shri R. Balakrishna Pillai
19. Chowdhury Ram Sewak
20. Shri K. Narayana Rao
21. Shri Vayalar Ravi
22. Shri Shanker Rao Savant
23. Shri Shambhu Nath
24. Shri B. R. Shukla
25. Shri Ram Shekhar Prasad Singh
26. Shri S. N. Singh
27. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri P. L. Gupta, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee heard the oral evidence tendered by Acharya Ramadhikari Sharma, Shastri, Advocate, District Samastipur, Bihar.

A verbatim record of the evidence was kept.

4. The Committee decided to ask for further extension of time up to the last day of the second week of the Budget Session 1975 (Ninety-first

Session) of the Rajya Sabha for the presentation of its Report and authorised the Chairman or in his absence Shrimati Sumitra G. Kulkarni or Shri Virendra Kumar Sakhalecha to move the necessary motion in the House.

5. The Committee thereafter considered its future programme of sittings and decided to meet on the 9th, 10th, 11th, 12th and 13th September, 1974 to hear the oral evidence of witnesses from the States of Orissa and Madhya Pradesh and such other witnesses as suggested by some members of the Committee.

6. The Committee then adjourned at 12.10 P.M. to meet again at 10.00 A.M. on Monday, the 9th September, 1974.

LI

FIFTY-FIRST MEETING

The Committee met at 3.00 P.M. on Monday, the 26th August, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Jagdish Joshi
5. Shri Nathi Singh
6. Shri Ram Niwas Mirdha

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri Banamali Babu
9. Shri Muhammed Khuda Bukhsh
10. Shri B. E. Choudhari
11. Shri Khemchandbhai Chavda
12. Shri G. C. Dixit
13. Shri Yamuna Prasad Mandal
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Shri K. Narayana Rao
17. Shri M. Satyanarayan Rao
18. Shri Vayalar Ravi
19. Shri Shanker Rao Savant
20. Shri Ram Shekhar Prasad Singh
21. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice -

Shri K. K. Sundaram, Secretary.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumdar, Under Secretary.

2. The Committee reconsidered its future programme of sittings and decided to hold its meetings in New Delhi from the 23rd to 28th September, 1974 *instead of from* 9th to 13th September, 1974, as decided earlier, to hear oral evidence on the Bill.

The Committee also decided to hold its sittings in New Delhi from the 14th to 19th October, 1974 and again from the 4th to 9th November, 1974 for the purpose of clause-by-clause consideration of the Bill.

3. The Committee decided that the evidence tendered before it should be got printed.

4. The Committee then adjourned at 3.30 P.M. to meet again at 3.00 P.M. on Monday, the 23rd September, 1974.

LII

FIFTY-SECOND MEETING

The Committee met at 3.00 P.M. on Monday, the 23rd September, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Anand Narain Mulla
5. Shrimati Sumitra G. Kulkarni
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri K. P. Singh Deo
9. Shri Ram Niwas Mirdha

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri Banamali Babu
12. Shri H. K. L. Bhagat
13. Shri Muhammed Khuda Bukhsh

14. Shri Khemchandbhai Chavda
15. Shri Madhu Dandavate
16. Shri G. C. Dixit
17. Shri Tarun Gogoi
18. Shri Z. M. Kahandole
19. Shri Yamuna Prasad Mandal
20. Shri Niti Raj Singh Chaudhury
21. Chowdhury Ram Sewak
22. Shri M. Satyanarayan Rao
23. Shri Vayalar Ravi
24. Shri Shambhu Nath
25. Shri B. R. Shukla
26. Shri Ram Shekhar Prasad Singh
27. Shri S. N. Singh
28. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Hamid, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

2. The Chairman informed the Committee that the witness, Shri B. N. Lokur, who was invited to tender oral evidence before the Committee today, has expressed his inability to appear before the Committee.

3. The Committee held a general discussion on the various provisions of the Bill.

4. The Committee then adjourned at 4.15 P.M. to meet again at 10.00 A.M. on Tuesday, the 24th September, 1974.

LIII

FIFTY-THIRD MEETING

The Committee met at 10.00 A.M. on Tuesday, the 24th September, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman.*
2. Shri Sasankasekhar Sanyal

3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shri Anand Narain Mulla
6. Shrimati Sumitra G. Kulkarni
7. Shri Jagdish Joshi
8. Shri K. P. Singh Deo
9. Shri Veerendra Patil
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri R. V. Bade
12. Shri Muhammed Khuda Bukhsh
13. Shri B. E. Choudhari
14. Shri Madhu Dandavate
15. Shri G. C. Dixit
16. Shri Tarun Gogoi
17. Shri Z. M. Kahandole
18. Shri Yamuna Prasad Mandal
19. Shri F. H. Mohsin
20. Shri R. Balakrishna Pillai
21. Shri M. Satyanarayan Rao
22. Shri Shambhu Nath
23. Shri B. R. Shukla
24. Shri Ram Shekhar Prasad Singh
25. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Hamid, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri T. N. Bhargava, Assistant Inspector General of Police, C.I.D., Madhya Pradesh, Bhopal.
2. Shri Narendra Singh, Bar-at-Law, University of Jabalpur, Jabalpur.

A verbatim record of the evidence was kept.

The Committee then adjourned at 12.45 P.M. to meet again at 10.00 A.M. on Wednesday, the 25th September, 1974.

LIV

FIFTY-FOURTH MEETING

The Committee met at 10.00 A.M. on Wednesday, the 25th September, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri V. V. Swaminathan
6. Shri K. P. Singh Deo
7. Shri Ram Niwas Mirdha

Lok Sabha

8. Shri R. V. Bade
9. Shri H. K. L. Bhagat
10. Shri Madhu Dandavate
11. Shri G. C. Dixit
12. Shri Tarun Gogoi
13. Shri Z. M. Kahandole
14. Shri Yamuna Prasad Mandal
15. Shri Piloo Mody
16. Shri F. H. Mohsin
17. Shri R. Balakrishna Pillai
18. Shri B. R. Shukla
19. Shri Ram Shekhar Prasad Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Hamid, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Shri L. Mohapatra, S.J.S., Secretary to the Government of Orissa, Law Department, Cuttack.
2. Shri D. M. Misra, I.P.S., Deputy Inspector General of Police, Sambalpur.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.30 P.M. to meet again at 11.00 A.M. on Thursday, the 26th September, 1974.

LV

FIFTY-FIFTH MEETING

The Committee met at 11.00 A.M. on Thursday, the 26th September, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Anand Narain Mulla
3. Shrimati Sumitra G. Kulkarni
4. Shri V. V. Swaminathan
5. Shri Kalp Nath
6. Shri K. P. Singh Deo

Lok Sabha

7. Shri R. V. Bade
8. Shri H. K. L. Bhagat
9. Shri Khemchandbhai Chavda
10. Shri G. C. Dixit
11. Shri Tarun Gogoi
12. Shri Dinesh Joarder
13. Shri Z. M. Kahandole
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Chowdhury Ram Sewak
17. Shri Vayalar Ravi
18. Shri Shambhu Nath
19. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Hamid, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Dr. R. C. Hingorani, Professor and Dean, Faculty of Law, Patna University, Patna.
2. Shri Y. I. Mehta, Head of Law Department and I/C Faculty of Law, P.M.B. Gujarati Arts, Commerce and Law College, Indore.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.15 P.M. to meet again at 10.00 A.M. on Friday, the 27th September, 1974.

LVI

FIFTY-SIXTH MEETING

The Committee met at 10.00 A.M. on Friday, the 27th September, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shri Anand Narain Mulla
6. Shrimati Sumitra G. Kulkarni
7. Shri V. V. Swaminathan
8. Shri Shyam Lal Yadav
9. Shri Nathi Singh
10. Shri Kalp Nath
11. Shri K. P. Singh Deo

Lok Sabha

12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Muhammed Khuda Bukhsh
15. Shri Khemchandbhai Chavda
16. Shri Madhu Dandavate
17. Shri G. C. Dixit
18. Shri Tarun Gogoi
19. Shri Dinesh Joarder
20. Shri Z. M. Kahandole
21. Shri F. H. Mohsin
22. Chowdhury Ram Sewak
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Hamid, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

1. Representatives of the Ministry of Defence (Judge Advocate Branch):—

(i) Shri T. P. Khosla, Joint Secretary.

(ii) Brig. M. S. Sastri, JAG (Army).

(iii) Capt. O. P. Sharma, JAG (Navy).

(iv) Air Commodore H. L. Kapur, JAG (Air).

(v) Shri K. V. Ramanamurthi, Deputy Secretary.

2. Representatives of the Centre of Indian Trade Unions, Calcutta:—

(i) Dr. M. K. Pandhe.

(ii) Shri A. P. Chatterjee.

3. Shri Indradeep Sinha, M.P., Representatives of the All India Kisan Sabha.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.15 P.M. to meet again at 11.00 A.M. on Saturday, the 28th September, 1974.

LVII

FIFTY-SEVENTH MEETING

The Committee met at 11.00 A.M. on Saturday, the 28th September, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Anand Narain Mulla
5. Shrimati Sumitra G. Kulkarni
6. Shri Shyam Lal Yadav
7. Shri Jagdish Joshi
8. Shri Nathi Singh
9. Shri Kalp Nath
10. Shri K. P. Singh Deo
11. Shri Ram Niwas Mirdha

Lok Sabha

12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Muhammed Khuda Bukhsh
15. Shri Khemchandbhai Chavda
16. Shri Madhu Dandavate
17. Shri G. C. Dixit
18. Shri Dinesh Joarder
19. Shri Z. M. Kahandole
20. Shri Yamuna Prasad Mandal
21. Shri Pилоo Mody
22. Shri F. H. Mohsin
23. Shri Niti Raj Singh Chaudhury
24. Chowdhury Ram Sewak

25. Shri M. Satyanarayan Rao
26. Shri Shanker Rao Savant
27. Shri Shambhu Nath
28. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

- Shri S. Hamid, Joint Secretary.
Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

- Shri V. S. Bhashyam, Additional Legislative Counsel.
Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

- Dr. M. S. Panigrahi, Joint Secretary.
Shri M. K. Jain, Deputy Secretary.
Shri R. K. Mazumder, Under Secretary.

2. The Committee heard the oral evidence tendered by Shri P.M. Bakshi, Member-Secretary, Law Commission of India, New Delhi.

A verbatim record of the evidence was kept.

3. The Chairman informed the Members that as decided earlier, the Committee will take up general discussion and clause-by-clause consideration of the Bill during its next series of sittings scheduled to be held on the 14th, 15th, 16th, 17th, 18th and 19th October, 1974.

4. The Chairman requested that Members desirous of giving notices of amendments to the Bill should send them so as to reach the Rajya Sabha Secretariat by the 14th October, 1974.

5. The Committee then adjourned at 1.15 P.M. to meet again at 11.00 A.M. on Monday, the 14th October, 1974.

LVIII

FIFTY-EIGHTH MEETING

The Committee met at 11.20 A.M. on Monday, the 14th October, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Anand Narain Mulla—*in the Chair*.
2. Shri Virendra Kumar Sakhalecha
3. Shrimati Sumitra G. Kulkarni
4. Shri Shyam Lal Yadav

5. Shri Nathi Singh
6. Shri K. P. Singh Deo

Lok Sabha

7. Shri R. V. Bade
8. Shri H. K. L. Bhagat
9. Shri Khemchandbhai Chavda
10. Shri Dinesh Joarder
11. Shri Z. M. Kahandole
12. Shri Yamuna Prasad Mandal
13. Shri F. H. Mohsin
14. Shri D. K. Panda
15. Chowdhury Ram Sewak
16. Shri M. Satyanarayan Rao
17. Shri Vayalar Ravi
18. Shri Shambhu Nath
19. Shri Ram Shekhar Prasad Singh
20. Shri S. N. Singh
21. Shri R. P. Yadav

Shri Om Mehta, Minister of State in the Ministry of Home Affairs, attended the meeting as a special invitee.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

- Shri P. P. Nayyar, Joint Secretary.
Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

- Shri V. S. Bhashyam, Additional Legislative Counsel.
Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

- Shri S. S. Bhalerao, Joint Secretary.
Shri R. K. Mazumder, Under Secretary.

2. In the absence of the Chairman, Shri Anand Narain Mulla was voted to the Chair.

3. On the suggestion of the Committee, Shri F. H. Mohsin, Deputy Minister in the Ministry of Home Affairs agreed to supply to the Members a clause-wise gist of suggestions made by various witnesses during the course of their evidence before the Committee.

4. The Committee held a general discussion on the various provisions of the Bill.

5. The Chairman suggested that Shri Om Mehta, Minister of State in the Ministry of Home Affairs, be requested to attend all the meetings of the Committee. The Committee agreed.

6. The Committee then adjourned at 1.15 P.M. to meet again at 11.00 A.M. on Tuesday, the 15th October, 1974.

LIX

FIFTY-NINTH MEETING

The Committee met at 3.05 P.M. on Thursday, the 19th December, 1974.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shrimati Sumitra G. Kulkarni
5. Shri Nathi Singh
6. Shri Kalp Nath

Lok Sabha

7. Shri P. Ankineedu Prasad Rao
8. Shri R. V. Bade
9. Shri Muhammed Khuda Bukhsh
10. Shri Khemchandbhai Chavda
11. Shri Yamuna Prasad Mandal
12. Shri F. H. Mohsin
13. Shri Niti Raj Singh Chaudhury
14. Shri Shanker Rao Savant
15. Shri B. R. Shukla
16. Shri S. N. Singh
17. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri K. K. Sundaram, Secretary, Legislative Department.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Office

2. The Committee considered its future programme of sittings and decided to meet at New Delhi from 17th to 23rd January, 1975 for clause-by-clause consideration of the Bill.

3. The Committee also decided to hold its meetings from 4th to 10th February, 1975 for the same purpose.

4. The Chairman requested that the Members desirous of giving notices of amendments to the Bill may send the same to the Rajya Sabha Secretariat latest by the 15th January, 1975.

The Committee then adjourned at 3.30 P.M. to meet again at 3.00 P.M. on Friday, the 17th January, 1975.

LX

SIXTIETH MEETING

The Committee met at 3.00 P.M. on Friday, the 17th January, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair.*
2. Shri Virendra Kumar Sakhalecha
3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla
5. Shri Vithal Gadgil
6. Shrimati Sumitra G. Kulkarni
7. Shri V. V. Swaminathan
8. Shri Jagdish Joshi
9. Shri Nathi Singh

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri Muhammed Khuda Bukhsh
12. Shri B. E. Choudhari
13. Shri Khemchandbhai Chavda
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Chowdhury Ram Sewak
17. Shri Vayalar Ravi
18. Shri B. R. Shukla
19. Shri Ram Shekhar Prasad Singh

20. Shri S. N. Singh
21. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri A. K. Sreenivasamoorthy, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Chairman made a reference to the tragic death of Shri L. N. Mishra, Minister of Railways on the 3rd January, 1975. The Committee thereafter observed one minute's silence, all Members standing, as a mark of respect to the memory of the deceased.

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

New Clause 1A

The Committee considered the following amendment seeking insertion of the New Clause:—

Page 1, after line 6, insert the following New Clause:

“Section 3 of the Penal Code shall be omitted.”

After some discussion further consideration of the New Clause was held over.

Clause 2

The consideration of the Clause was held over.

Clause 3

The Clause was adopted without any change.

Clause 4

The Clause was adopted without any change.

Clause 5

The Clause was adopted without any change.

Clause 6

The Clause was adopted without any change.

Clause 7

The Clause was adopted without any change.

Clause 8

The Clause was adopted without any change.

Clause 9

The Committee was still discussing the Clause when the Committee adjourned for the day.

5. The Committee decided that as 23rd January, 1975 has been declared as a closed holiday, for observing the festival of Muharram, the current series of its sittings will conclude on Wednesday, the 22nd January, 1975.

6. The Committee then adjourned at 4.55 P.M. to meet again at 11.00 A.M. on Saturday, the 18th January, 1975.

LXI**SIXTY-FIRST MEETING**

The Committee met at 11.15 A.M. on Saturday, the 18th January, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Sasankasekhar Sanyal—*in the Chair*
2. Shri Anand Narain Mulla
3. Shri V. V. Swaminathan
4. Shri Shyam Lal Yadav
5. Shri Jagdish Joshi
6. Shri Nathi Singh
7. Shri Kalp Nath

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri R. V. Bade
10. Shri Muhammed Khuda Bukhsh
11. Shri B. E. Choudhari
12. Shri G. C. Dixit

13. Shri Z. M. Kahandole
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Shri Vayalar Ravi
17. Shri Shanker Rao Savant
18. Shri B. R. Shukla
19. Shri Ram Shekhar Prasad Singh
20. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.
Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri A. K. Sreenivasamoorthy, Additional Legislative Counsel.
Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee resumed clause-by-clause consideration of the Bill.

The Committee first took up for consideration the held over Clauses.

New Clause 1A

After some discussion, the amendment seeking insertion of the New Clause was withdrawn by the leave of the Committee.

Clause 2

The Committee held a detailed discussion on the various amendments proposed to the Clause. Thereafter the Legislative Counsel was directed to submit a (revised) draft amendment to the Clause taking into account the principle accepted during the discussion for consideration of the Committee.

Clause 9

The Committee held further discussion on the Clause.

The Clause was under consideration when the Committee adjourned for the day.

4. The Committee then adjourned at 1.10 P.M. to meet again at 10.30 A.M. on Monday, the 20th January, 1975.

LXII

SIXTY-SECOND MEETING

The Committee met at 10.35 A.M. on Monday, the 20th January, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shri Anand Narain Mulla
6. Shrimati Sumitra G. Kulkarni
7. Shri V. V. Swaminathan
8. Shri Shyam Lal Yadav
9. Shri Nathi Singh
10. Shri K. P. Singh Deo

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri R. V. Bade
13. Shri Muhammed Khuda Bukhsh
14. Shri G. C. Dixit
15. Shri Z. M. Kahandole
16. Shri F. H. Mohsin
17. Shri Niti Raj Singh Chaudhury
18. Chowdhury Ram Sewak
19. Shri Shanker Rao Savant
20. Shri Shambhu Nath
21. Shri B. R. Shukla
22. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri A. K. Sreenivasamoorthy, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 9—contd.

The Committee held further discussion on the various provisions of the Clause and the amendments suggested thereto.

The Committee decided that a Member of Parliament, or a State Legislatures as well as a Member of local authorities should be excluded from the definition of Public servant mentioned in Section 21, inserted in the Clause.

The Legislative Counsel was directed to submit a new draft of Section 21 taking into account the above decision and various other suggestions made by the Members for consideration of the Committee.

Discussion on the Clause was not concluded.

Clause 10

The Clause was deleted.

Clause 11

The Clause was adopted subject to the following amendment:

Page 4, line 5, after the words "injury to" insert "body, mind, reputation or property of".

3. The Committee then adjourned at 1.00 P.M. to meet again at 10.30 A.M. on Tuesday, the 21st January, 1975.

LXIII

SIXTY-THIRD MEETING

The Committee met at 10.40 A.M. on Tuesday, the 21st January, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri V. V. Swaminathan
6. Shri Shyam Lal Yadav
7. Shri Jagdish Joshi
8. Shri Nathi Singh

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri Muhammed Khuda Bukhsh
13. Shri G. C. Dixit
14. Shri Tarun Gogoi
15. Shri Z. M. Kahandole
16. Shri G. Y. Krishnan

17. Shri Piloo Mody
18. Shri F. H. Mohsin
19. Shri Niti Raj Singh Chaudhury
20. Shri Shanker Rao Savant
21. Shri B. R. Shukla
22. Shri S. N. Singh
23. Shri Dinesh Joarder.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri A. K. Sreenivasamoorthy, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 12

The Clause was adopted in the following amended form:—

12. In Section 29 of the Penal Code—

- (a) for the words “expressed or described” the words “expressed, described or recorded” shall be substituted;
- (b) for the words “figures or marks” the words “figures, images, marks or sounds” shall be substituted.

Clause 13

The Clause was adopted without any change.

Clause 14

The Clause was adopted subject to the following amendment:—

Page 4, line 11, after the figures and word “34 and 35” insert “38”.

Clause 15

The consideration of the Clause was held over.

Clause 16

The Clause was adopted without any change.

Clause 17

The consideration of the Clause was held over.

Clause 18

The Clause was adopted without any change.

New Clause 18A

The Committee decided to insert the following New Clause:—

“18A. After Section 52A of the Penal Code, the following Section shall be inserted, namely:—

“52B. ‘Corporation owned or controlled by Government’ includes a society registered under any law relating to registration of societies, so owned or controlled and a Government Company as defined in Section 617 of the Companies Act, 1956”.

Clauses 19 to 22

The consideration of these Clauses was held over.

Clause 23

The Clause was adopted without any change.

At the suggestion of some Members, the Deputy Minister of Home Affairs agreed to supply copies of the General Clauses Act and the Code of Criminal Procedure to the Members.

3. The Committee then adjourned at 1.10 P.M. to meet again at 10.30 A.M. on Wednesday, the 22nd January, 1975.

LXIV**SIXTY-FOURTH MEETING**

The Committee met at 10.35 A.M. on Wednesday, the 22nd January, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri V. V. Swaminathan
6. Shri Shyam Lal Yadav
7. Shri Jagdish Joshi
8. Shri Nathi Singh
9. Shri Kalp Nath
10. Shri K. P. Singh Deo

Lok Sabha

11. Shri P. Ankineedu Prasadarao
12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Muhammed Khuda Bukhsh
15. Shri G. C. Dixit
16. Shri Dinesh Joarder

17. Shri G. Y. Krishnan
18. Shri Piloo Mody
19. Shri F. H. Mohsin
20. Shri Niti Raj Singh Chaudhury
21. Chowdhury Ram Sewak
22. Shri M. Satyanarayan Rao
23. Shri Shanker Rao Savant
24. Shri B. R. Shukla
25. Shri S. N. Singh
26. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri A. K. Sreenivasamoorthy, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill. The Committee took up for consideration the held over clause.

Clause 19

The following amendment was accepted:—

Page 5, lines 7-8, for the words “to which offenders are liable under the provisions of this Code are” substitute “which may be imposed on conviction for an offence are”.

The Committee also considered the amendment moved by Shri Sasan-kasekhar Sanyal seeking deletion of death penalty from the list of punishments enumerated in the Clause.

After discussion at length, the amendment was negatived by the Committee.

The consideration of the Clause was not concluded.

3. The Committee then re-considered its future programme of sittings and decided to hold its next series of sittings from 5th to 10th February, 1975 for further clause-by-clause consideration of the Bill.

4. The Committee then adjourned at 12.30 P.M. to meet again at 3.00 P.M. on Wednesday, the 5th February, 1975.

SIXTY-FIFTH MEETING

The Committee met at 3.00 P.M. on Wednesday, the 5th February, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Nageshwar Prasad Shahi
5. Shri Anand Narain Mulla
6. Shrimati Sumitra G. Kulkarni
7. Shri Shyam Lal Yadav
8. Shri Jagdish Joshi
9. Shri Nathi Singh
10. Shri Kalp Nath

Lok Sabha

11. Shri R. V. Bade
12. Shri H. K. L. Bhagat
13. Shri Muhammed Khuda Bukhsh
14. Shri Khemchandbhai Chavda
15. Shri G. C. Dixit
16. Shri Dinesh Joarder
17. Shri Z. M. Kahandole
18. Shri Piloo Mody
19. Shri F. H. Mohsin
20. Shri D. K. Panda
21. Chowdhury Ram Sewak
22. Shri Shanker Rao Savant
23. Shri Shambhu Nath
24. Shri Ram Shekhar Prasad Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

- Shri S. Balakrishnan, Joint Secretary.
Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

- Shri A. K. Sreenivasamoorthy, Additional Legislative Counsel.
Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 24

Clause 24 was adopted without any change.

Clause 25

After some discussion the Committee was of the opinion that the provision made in the Clause should be so modified that a poor offender who had undergone the sentence of imprisonment in default of payment of fine should not be again required to pay fine. The Legislative Counsel was asked to submit a suitable draft of the amendment to the Clause for consideration by the Committee.

Clauses 26 and 27

The consideration of the Clauses was held over.

Clause 28

The Clause was adopted without any change.

Clause 29

The consideration of the Clause was held over.

Clause 30

After detailed discussion, the consideration of the Clause was held over.

Clause 31

The Clause was adopted subject to the following amendment:—

At page 11, line 10, for the word 'fact' substitute 'act'.

Clause 32

The Clause was adopted without any change.

3. The Committee then adjourned at 5.00 P.M. to meet again at 11.00 A.M. on Thursday, the 6th February, 1975.

LXVI

SIXTY-SIXTH MEETING

The Committee met at 11.15 A.M. on Thursday, the 6th February, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla

5. Shri Nathi Singh
6. Shri Kalp Nath
7. Shri K. P. Singh Deo

Lok Sabha

8. Shri R. V. Bade
9. Shri H. K. L. Bhagat
10. Shri Muhammed Khuda Bukhsh
11. Shri Khemchandbhai Chavda
12. Shri G. C. Dixit
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri Z. M. Kahandole
16. Shri Pилоo Mody
17. Shri F. H. Mohsin
18. Shri D. K. Panda
19. Chowdhury Ram Sewak
20. Shri M. Satyanarayan Rao
21. Shri Shanker Rao Savant
22. Shri Shambhu Nath
23. Shri B. R. Shukla
24. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 33

The Clause was adopted subject to the following amendments:—

At page 11, line 27, for the words "or daughter" substitute "daughter, brother, sister, son-in-law, daughter-in-law, grandchildren".

The Committee also decided that the word "grand-parents" should be included in the Explanation of "near relation" inserted in the Clause. The Legislative Counsel was authorised to carry-out the necessary amendments in the Bill.

Clause 34

The Committee held a detailed discussion on the provisions of the Clause and the amendments moved thereto.

Further consideration of the Clause was held over.

3. The Committee then adjourned at 1.10 P.M. to meet again at 11.00 A.M. on Friday, the 7th February, 1975.

LXVII

SIXTY-SEVENTH MEETING

The Committee met at 11.15 A.M. on Friday, the 7th February, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shri Jagdish Joshi
5. Shri Nathi Singh
6. Shri K. P. Singh Deo
7. Shri Veerendra Patil

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri R. V. Bade
10. Shri H. K. L. Bhagat
11. Shri Muhammed Khuda Bukhsh
12. Shri G. C. Dixit
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri G. Y. Krishnan
16. Shri Pilloo Mody
17. Shri F. H. Mohsin
18. Shri Shanker Rao Savant
19. Shri Shambhu Nath
20. Shri B. R. Shukla
21. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. The Committee resumed clause-by-clause consideration of the **Bill**.

Clause 34—contd.

The Committee discussed the various provisions of the Clause again and held over the Clause for further consideration.

Clause 35

The Clause was adopted without any change.

Clause 36

The Clause was adopted without any change.

Clause 37

The consideration of the Clause was held over.

Clause 38

The Clause was adopted without any change.

Clause 39

The Clause was adopted.

The Legislative Counsel was, however, authorised to carry out drafting changes in the Clause taking into account the following amendments moved by the Members:—

(i) Page 13, line 35, after the words “as long as” insert “the offence of robbery continues or”

(ii) Page 13, line 38, after the word “continues” add “or till the robber has effected his retreat with property”.

Clause 40

The Clause was adopted without any change.

Clause 41

The Clause was adopted without any change.

Clause 42

The Clause was adopted subject to the following amendments:—

(i) Page 15, line 38, for the word “imprisonment” substitute “imprisonment of either description”.

(ii) Page 15, line 42, for the word “imprisonment” substitute “imprisonment of either description”.

Clause 43

After some discussion, the consideration of the Clause was held over.

Clause 44

The Clause, which was held over earlier, was adopted without any change.

Clause 44

The Clause was adopted without any change.

Clause 45

The Clause was adopted without any change.

Clause 46

The Clause was adopted without any change.

3. The Committee decided that the present series of sittings should conclude on Saturday, the 8th February, 1975 and there would, therefore, be no sitting of the Committee on the 10th February, 1975, as decided earlier.

4. The Committee then adjourned at 1.35 P.M. to meet again at 11.00 A.M. on Saturday, the 8th February, 1975.

LXVIII**SIXTY-EIGHTH MEETING**

The Committee met at 11.15 A.M. on Saturday, the 8th February, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shrimati Sumitra G. Kulkarni
5. Shri Jagdish Joshi
6. Shri Nathi Singh

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri R. V. Bade
9. Shri Muhammed Khuda Bukhsh
10. Shri G. C. Dixit
11. Shri Tarun Gogoi
12. Shri Dinesh Joarder
13. Shri G. Y. Krishnan
14. Shri F. H. Mohsin
15. Shri Shanker Rao Savant
16. Shri B. R. Shukla
17. Shri Ram Shekhar Prasad Singh
18. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES*Ministry of Home Affairs*

- Shri S. Balakrishnan, Joint Secretary.
Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 47

The Clause was adopted with the following amendments:—

- (i) Page 17, lines 12-13, delete the words “punishable by this Code”.
- (ii) Page 17, line 17, after the word “offence” add the word “and”.
- (iii) Page 17, delete lines 29—33.
- (iv) Page 17, line 32, delete the words “by this Code”.
- (v) Page 17, line 41, delete the words “by this Code”.

Clause 48

After some discussion, the Clause was adopted without any change.

Clause 49

After detailed discussion, the Clause was adopted subject to the following amendment:—

Page 18, after line 15, add—

“Explanation—In this Section—

- (i) “armed forces of India” means the military, naval and air-forces operating as land forces and includes any other armed forces of the Union so operating”.
- (ii) “enemy” includes any person or country committing external aggression against the Union or any person belonging to such country”.

Clause 50

Consideration of the Clause was held over.

Clause 51

The Clause was adopted without any change.

Clause 52

The Clause was adopted without any change.

Clause 53

The Clause was adopted without any change.

3. The Committee decided to ask for further extension of time upto the last day of the second week of the Ninety-third (Monsoon) Session, 1975 of the Rajya Sabha for the presentation of the Report and authorised the Chairman or in his absence Shri Sasankasekhar Sanyal or Shri Nathi Singh to move the necessary motion in the House.

4. The Committee thereafter considered its future programme of sittings. The Committee decided to sit for 15 days for further clause-by-clause consideration of the Bill sometime during the last week of May or first week of June, 1975 in Srinagar subject to the permission of the Chairmar, Rajya Sabha. The Committee authorised the Chairman to approach the Chairman, Rajya Sabha, for his permission for holding the meetings of the Committee at Srinagar and also to fix the next dates of the meetings of the Committee.

5. The Committee then adjourned at 1.05 P.M.

LXIX

SIXTY-NINTH MEETING

The Committee met at 3.05 P.M. on Monday, the 24th March, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Virendra Kumar Sakhalecha
3. Shri Anand Narain Mulla
4. Shri Shyam Lal Yadav
5. Shri K. P. Singh Deo
6. Shri Ram Niwas Mirdha

Lok Sabha

1. Shri P. Ankineedu Prasadarao
8. Shri Banamali Babu
9. Shri Muhammed Khuda Bukhsh
10. Shri Khemchandbhai Chavda
11. Shri G. C. Dixit
12. Shri Dinesh Joarder
13. Shri F. H. Mohsin
14. Shri Niti Raj Singh Chaudhury
15. Shri Shambhu Nath
16. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.
Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri A. K. Sreenivasamoorthy, Additional Legislative Counsel.
Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Chairman informed the Members that as decided by the Committee at its meeting held on the 8th February, 1975, he had approached the Chairman, Rajya Sabha, for according permission to the Committee for holding its sittings at Srinagar for clause-by-clause consideration of the Bill and that the Chairman, Rajya Sabha, expressed his inability to accord the permission sought for.

3. The Committee thereafter reconsidered its future programme and after some discussion decided to sit in New Delhi from 2nd June to 6th June, 1975, and again from 26th June to 1st July, 1975 for further clause-by-clause consideration of the Bill.

4. The Committee then adjourned at 3.40 P.M. to meet again at 10.00 A.M. on Monday, the 2nd June, 1975.

LXX
SEVENTIETH MEETING

The Committee met at 10.00 A.M. on Monday, the 16th June, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Vithal Gadgil
4. Shrimati Sumitra G. Kulkarni
5. Shri V. V. Swaminathan
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri Kalp Nath
9. Shri K. P. Singh Deo
10. Shri Ram Niwas Mirdha

Lok Sabha

11. Shri R. V. Bade
12. Shri G. C. Dixit
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri Z. M. Kahandole
16. Shri Yamuna Prasad Mandal

17. Shri F. H. Mohsin
18. Shri Niti Raj Singh Chaudhury
19. Chowdhury Ram Sewak
20. Shri Vayalar Ravi
21. Shri Shambhu Nath
22. Shri B. R. Shukla
23. Shri Ram Shekhar Prasad Singh
24. Shri S. N. Singh
25. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 54

After some discussion, the clause was adopted subject to the following amendment:—

Page 21, lines 27 and 28, for the word "token" in both the places substitute "token or document".

Clause 55

After some discussion, the clause was adopted subject to the following amendment:—

Page 21, line 34, after the word "offence" insert "or".

Clause 56

Consideration of the clause was held over.

New Clause 56A

Consideration of the amendment proposing insertion of the New Clause 56A was postponed.

Clause 57

The clause was adopted without any change.

Clause 58

After detailed discussion, the clause was adopted subject to the following amendment:—

Page 22, lines 8-9, delete the words "or attempt to promote".

Clause 59

The clause was adopted without any change.

Clause 60

The clause was adopted without any change.

Clause 61

The clause was adopted subject to the idea contained in amendment No. 245 being incorporated in the clause. The Legislative Counsel was authorised to redraft the clause accordingly.

Clause 62

The clause was adopted without any change.

Clause 63

The clause was adopted without any change.

Clause 64

The clause was adopted without any change.

Clause 65

After some discussion the clause was adopted subject to the following amendment:—

Page 23, for lines 15-16, substitute the following:—

"In section 161 of the Penal Code—

- (a) in the opening paragraph, for the words and figures 'local authority, corporation or Government company referred to in section 21', the words 'local authority or corporation owned or controlled by the Government' shall be substituted;
- (b) in the Explanation, for the fourth paragraph, the following paragraph shall be substituted, namely:—".

New Clause 65A

The following New Clause was inserted:—

Page 23, after line 20, insert the following New Clause 65A:—

"65A. In sections 162 and 163 of the Code, for the words and figures 'local authority, corporation or Government company referred to in section 21', the words 'local authority or corporation owned or controlled by the Government' shall be substituted."

Clause 66

The clause was adopted without any change.

New Clause 66A

The discussion on amendment No. 116 for insertion of the New Clause 66A was held over.

Clause 67

The clause was adopted without any change.

New Clause 67A

The discussion on amendments Nos. 117 and 118 for insertion of the New Clause 67A was held over.

Clause 68

After some discussion, the clause was adopted without any change.

Clause 69

The clause was adopted without any change.

Clause 70

The clause was adopted without any change.

Clause 71

The clause was adopted without any change.

Clause 72

The consideration of the clause was held over.

New Clause 72A

The discussion on amendment No. 250 for insertion of the New Clause 72A was held over.

Clause 73

The clause was adopted without any change.

Clause 74

The clause was adopted without any change.

Clause 75

The clause was adopted without any change.

Clause 76

The clause was adopted without any change.

Clause 77

The clause was adopted without any change.

Clause 78

The clause was adopted without any change.

Clause 79

The clause was adopted without any change.

Clause 80

The clause was adopted without any change.

The Committee then adjourned at 11.55 P.M. to meet again at 10.00 A.M. on Tuesday, the 17th June, 1975.

LXXI**SEVENTY-FIRST MEETING**

The Committee met at 10.00 A.M. on Tuesday, the 17th June, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Vithal Gadgil
4. Shrimati Sumitra G. Kulkarni
5. Shri Jagdish Joshi
6. Shri Nathi Singh
7. Shri Kalp Nath

Lok Sabha

8. Shri P. Ankineedu Prasad Rao
9. Shri R. V. Bade
10. Shri H. K. L. Bhagat
11. Shri G. C. Dixit
12. Shri Tarun Gogoi
13. Shri Z. M. Kahandole
14. Shri Yamuna Prasad Mandal
15. Shri F. H. Mohsin
16. Shri Niti Raj Singh Chaudhury
17. Shri R. Balakrishna Pillai
18. Chowdhury Ram Sewak
19. Shri Shanker Rao Savant
20. Shri B. R. Shukla
21. Shri Ram Shekhar Prasad Singh
22. Shri S. N. Singh
23. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 81

Consideration of the clause was held over.

Clause 82

The clause was adopted without any change.

Clause 83

The clause was adopted without any change.

Clause 84

Consideration of the clause was held over.

Clause 85

The clause was adopted without any change.

Clause 86

Consideration of the clause was held over.

Clause 87

Consideration of the clause was held over.

Clause 88

After some discussion, the clause was adopted without any change.

Clause 89

The following amendment was accepted:—

Page 27, after line 4, add—

“Explanation—In this Code ‘medical practitioner’ means a person practising medicine and registered as such under any law relating to the registration of persons practising medicine”.

The Legislative Counsel has been asked to examine and ensure that the existing law provides for the punishment of a person who obtains a

false medical certificate from a medical practitioner and if there is no such provision in the Act, he has been authorised to make suitable amendment in the clause incorporating this provision.

The Clause was adopted as amended.

Clause 90

The clause was adopted without any change.

Clause 91

The following amendment was accepted:—

Page 27, line 21, after the word "justice", insert "dishonestly or fraudulently".

Further consideration of the clause was held over.

Clause 92

After some discussion, the clause was adopted without any change.

Clause 93

The clause was adopted without any change.

Clause 94

The clause was adopted without any change.

Clause 95

After detailed discussion, consideration of the clause was held over.

Clause 96

The clause was adopted without any change.

Clause 97

The clause was adopted without any change.

The Committee then adjourned at 12.10 P.M. to meet again at 10.00 A.M. on Wednesday, the 18th June, 1975.

LXXII

SEVENTY-SECOND MEETING

The Committee met at 10.00 A.M. on Wednesday, the 18th June, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Virendra Kumar Sakhalecha
4. Shri Vithal Gadgil

5. Shrimati Sumitra G. Kulkarni
6. Shri Shyam Lal Yadav
7. Shri Jagdish Joshi
8. Shri Nathi Singh
9. Shri Kalp Nath

Lok Sabha

10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri G. C. Dixit
13. Shri Tarun Gogoi
14. Shri Z. M. Kahandole
15. Shri G. Y. Krishnan
16. Shri Yamuna Prasad Mandal
17. Shri Piloo Mody
18. Shri F. H. Mohsin
19. Shri Chaudhury Niti Raj Singh
20. Shri R. Balakrishna Pillai
21. Chowdhury Ram Sewak
22. Shri K. Narayana Rao
23. Shri M. Satyanarayan Rao
24. Shri Vayalar Ravi
25. Shri Shanker Rao Savant
26. Shri Shambhu Nath
27. Shri B. R. Shukla
28. Shri Ram Shekhar Prasad Singh
29. Shri S. N. Singh
30. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 98

After detailed discussion, further consideration of the Clause was held over.

Clause 99

The Clause was adopted without any change.

Clause 100

The Clause was adopted without any change.

Clause 101

The Clause was adopted without any change.

Clause 102

The Clause was adopted without any change.

Clause 103

The Clause was adopted without any change.

Clause 104

The Clause was adopted without any change.

Clause 105

The Clause was adopted without any change.

Clause 106

The Clause was adopted without any change.

Clause 107

The Clause was adopted without any change.

Clause 108

The Clause was adopted without any change.

Clause 109

The Clause was adopted subject to the following amendment:—

Page 31, after line 8, add—

“263C. *Punishment for preparation.*—Whoever makes any preparation for committing any offence punishable under this Chapter shall be punished with imprisonment for a term which may extend to one half of the imprisonment provided for that offence, or with such fine as is provided for the offence or with both.”

Clause 110

The Clause was adopted without any change.

Clause 111

The Clause was adopted without any change.

Clause 112

The Clause was adopted without any change.

Clause 113

After some discussion, consideration of the Clause was held over.

Clause 114

The Clause was adopted subject to the following amendment:—

Page 31, for lines 22-23, substitute—

- (a) for the words “or reservoir” the words “well, reservoir or any other source of supply of water” shall be substituted.

Clause 115

The Clause was adopted without any change.

Clause 116

The Clause was adopted without any change.

Clause 117

The Clause was adopted, subject to the following amendments:—

- (i) Page 31, line 35, for the word “drives” substitute “drives or permits to drive”.
- (ii) Page 31, after line 39, add—

“Explanation: In this section, the word ‘vehicle’ includes any vessel and the words ‘public way’ include any public waterway”.

Clause 118

The Clause was adopted without any change.

Clause 119

The Clause was adopted without any change.

Clause 120

The Clause was adopted without any change.

3. The Committee decided to conclude its present series of sittings. The Committee also decided to hold its next series of sittings for a few days from 14th July, 1975 onwards for further clause-by-clause consideration of the Bill. Members, however, desired that the Chairman, Rajya Sabha, should be approached again for holding the next series of meetings in a station other than Delhi preferably in Bangalore so that they could devote their full attention for further clause-by-clause consideration of the Bill. Chairman was requested to approach the Chairman, Rajya Sabha, for obtaining the permission required in this regard.

4. The Committee then adjourned at 12.35 P.M.

LXXIII

SEVENTY-THIRD MEETING

The Committee met at 10.10 A.M. on Monday, the 14th July, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri Kalp Nath
9. Shri K. P. Singh Deo

Lok Sabha

10. Shri P. Ankineedu Prasad Rao
11. Shri Banamali Babu
12. Shri Muhammed Khuda Bukhsh
13. Shri Khemchandbhai Chavda
14. Shri G. C. Dixit
15. Shri Tarun Gogoi
16. Shri Z. M. Kahandole
17. Shri Yamuna Prasad Mandal
18. Shri F. H. Mohsin
19. Shri Niti Raj Singh Chaudhury
20. Shri R. Balakrishna Pillai
21. Chowdhury Ram Sewak
22. Shri K. Narayana Rao
23. Shri M. Satyanarayan Rao
24. Shri Vayalar Ravi
25. Shri Shanker Rao Savant
26. Shri Shambhu Nath
27. Shri B. R. Shukla
28. Shri Ram Shekhar Prasad Singh
29. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

- Shri S. Balakrishnan, Joint Secretary.
Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

New Clause 120-A

The Committee decided to insert the following New Clause:—

'120A. After section 292 of the Penal Code, the following section shall be inserted, namely:—

"292A. *Printing etc. of grossly indecent or scurrilous matter or matter intended for blackmail.*—Whoever—

- (a) Prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner puts into circulation any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail, or
- (b) sells or lets for hire, or for purposes of sales or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail, or
- (c) conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire, distributed or publicly exhibited or in any manner put into circulation; or
- (d) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept conveyed or purchased, or
- (e) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail can be procured from or through any person, or
- (f) offers or attempts to do any act which is an offence under this Section,

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.

Explanation I.—For the purposes of this section the word ‘scurrilous’ shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure the reputation of any person:

Provided that it is not scurrilous—

- (a) to express in good faith any opinion respecting the conduct of—
 - (i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further, or
 - (ii) any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further; and
- (b) to make any imputation concerning any person which is true, if it is for the public good that such imputation should be made or published.

Explanation II.—In deciding whether any person has committed an offence under this section, the court shall have regard, *inter-alia* to the following considerations, namely:—

- (a) the general character of the person charged, and where relevant, the nature of his business;
- (b) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;
- (c) any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section’.”

Clause 121

The Committee adopted sub-sections (1) and (2) of the proposed section 294A without any change.

After detailed discussion, consideration of sub-section (3) of the said section was held over.

Following New Section was inserted:—

“294B. *Sale, distribution etc. of lottery tickets.*—Whoever sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any ticket, coupon or other document for use in a State lottery in any State (not being the State wherein such State lottery has

been organised) without the permission of the Government of that State, shall be punished with imprisonment of either description, for a term which may extend to six months, or with fine, or with both."

Clause 122

The following amendment was accepted:—

Page 33, after line 29, add the following:—

"(d) if the murder has been committed by him while undergoing a sentence of imprisonment for life, and such sentence has become final".

The Legislative Counsel was authorised to carry out drafting changes, if necessary, in the above clause.

The Clause, as amended, was adopted.

Clause 122A

The Committee decided to insert the following New Clause:—

"122A. Section 303 of the Penal Code shall be omitted".

The Committee decided to ask for further extension of time upto the last day of the Ninety-fourth Session of the Rajya Sabha for the presentation of the report and authorised the Chairman or in his absence Shri Sansankasekhar Sanyal to move the necessary motion in the House.

The Committee then adjourned at 12.30 P.M. to meet again at 10.30 A.M. on Tuesday, the 15th July, 1975.

LXXIV

SEVENTY-FOURTH MEETING

The Committee met at 10.40 A.M. on Tuesday, the 15th July, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri K. P. Singh Deo
9. Shri Veerendra Patil

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri R. V. Bade
12. Shri H. K. L. Bhagat
13. Shri Muhammed Khuda Bukhsh
14. Shri B. E. Choudhari
15. Shri G. C. Dixit
16. Shri Tarun Gogoi
17. Shri Dinesh Joardar
18. Shri Z. M. Kahandole
19. Shri F. H. Mohsin
20. Shri Niti Raj Singh Chaudhury
21. Shri R. Balakrishna Pillai
22. Chowdhury Ram Sewak
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri Shambhu Nath
26. Shri B. R. Shukla
27. Shri Ram Shekhar Prasad Singh
28. Shri S. N. Singh
29. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Shri R. Vasudevan, Deputy Secretary

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 123

The Clause was adopted without any change.

New Clause 123A

The Committee decided to insert the following New Clause.

Causing death or injury by rash and negligent driving—“123A. After section 304A of the Penal Code, the following section shall be inserted, namely:—

304B. Whoever by rash or negligent driving of any vehicle causes the death of any person or causes any injury which is likely to cause the death of such person (in cases where the causing of such death or injury does not amount to culpable homicide) and drives or runs away without informing any police station within a reasonable time shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

Explanation I—For the purpose of section 304A and this section, a person who drives any vehicle while under the influence of drink or drug shall be deemed to do the act or, as the case may be, drive the vehicle, in a rash and negligent manner.

Explanation II—In this section “vehicle” includes vessel”.

3. The Committee then adjourned at 12.45 P.M. to meet again at 10.00 A.M. on Wednesday, the 16th July, 1975.

LXXV

SEVENTY-FIFTH MEETING

The Committee met at 10.15 A.M. on Wednesday, the 16th July, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shrimati Sumitra G. Kulkarni
4. Shri Shyam Lal Yadav
5. Shri Jagdish Joshi
6. Shri Nathi Singh
7. Shri Kalp Nath
8. Shri K. P. Singh Deo

Lok Sabha

9. Shri R. V. Bade
10. Shri H. K. L. Bhagat
11. Shri G. C. Dixit
12. Shri Tarun Gogoi
13. Shri Dinesh Joarder
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Chowdhury Ram Sewak
17. Shri Vayalar Ravi

18. Shri Shanker Rao Savant
19. Shri Shambhu Nath
20. Shri B. R. Shukla
21. Shri S. N. Singh
22. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

- Shri S. Balakrishnan, Joint Secretary
 Shri R. Vasudevan, Deputy Secretary

Ministry of Law and Justice

- Shri V. S. Bhashyam, Additional Legislative Counsel
 Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

- Shri S. P. Ganguly, Additional Secretary
 Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 124

The Clause was adopted in the following form:—

“124. In section 305 of the Penal Code, for the words “death or imprisonment for life, or” the words “imprisonment for life, or rigorous” shall be substituted”.

The Legislative Counsel was authorised to carry out drafting changes, if necessary, in the above Clause.

Clause 125

The following amendments were accepted:—

- (i) Page 33, line 43, after the word “death” insert “or imprisonment for life”.
- (ii) Page 34, for lines 1-2, substitute the following:—

“(b) in any other case shall be liable to imprisonment for life or rigorous imprisonment which may extend to ten years”.

The Legislative Counsel was authorised to carry out drafting changes, if necessary, in the said Clause.

The Clause, as amended, was adopted.

Clause 126

The Clause was adopted without any change.

Clause 127

The Clause was adopted without any change.

Clause 128

The Clause was adopted without any change.

Clause 129

The Clause was deleted.

Clause 130

The following amendments were accepted:—

(i) Page 34, line 41, after the word "bone" add "or tooth".

(ii) Page 35, line 2, for the word "ten" substitute "fifteen".

The Clause, as amended, was adopted.

Clause 131

The Clause was adopted without any change.

Clause 132

The Clause was adopted without any change.

Clause 133

The Clause was adopted without any change.

Clause 134

The Clause was adopted without any change.

3. The Chairman requested the Members to send their amendments to the Bill so as to reach the Rajya Sabha Secretariat by the 4th August, 1975 at the latest.

4. The Committee then considered its future programme and decided to hold its next series of sittings from 11th to 14th August, 1975 at Delhi.

5. The Committee then adjourned at 12.30 P.M. to meet again at 3.00 P.M. on Monday, the 11th August, 1975.

LXXVI**SEVENTY-SIXTH MEETING**

The Committee met at 3.30 P.M. on Monday, the 4th August, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Yogendra Sharma—*Chairman*
2. Shri Jagdish Joshi

Lok Sabha

3. Shri P. Ankineedu Prasadarao
4. Shri Banamali Babu
5. Shri R. V. Bade
6. Shri Khemchandbhai Chavda
7. Shri G. C. Dixit
8. Shri Dinesh Joarder
9. Shri Z. M. Kahandole
10. Shri G. Y. Krishnan
11. Shri Yamuna Prasad Mandal
12. Shri F. H. Mohsin
13. Shri Niti Raj Singh Chaudhury
14. Shri D. K. Panda
15. Shri Shanker Rao Savant
16. Shri Shambhu Nath
17. Shri Ram Shekhar Prasad Singh
18. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary
 Shri R. Vasudevan, Deputy Secretary

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel
 Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.
 Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Chairman made a reference to the passing away of Shri Muhammed Khuda Bukhsh, a Member of the Joint Committee, on the 24th July, 1975. The Committee thereafter observed one minute's silence, all Members standing, as a mark of respect to the memory of the deceased.

3. The Committee then considered its future programme of sittings and decided to hold its next series of sittings from 25th to 29th August, 1975 for further clause-by-clause consideration of the Bill. Accordingly, the Committee decided to cancel its meetings which were scheduled to be held from 11th to 14th August, 1975.

4. The Committee then adjourned at 4.00 P.M. to meet again at 2.30 P.M. on Monday, the 25th August, 1975,

LXXVII

SEVENTY-SEVENTH MEETING

The Committee met at 2.30 P.M. on Monday, the 25th August, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri Kalp Nath

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri Banamali Babu
11. Shri R. V. Bade
12. Shri B. E. Choudhari
13. Shri Khemchandbhai Chavda
14. Shri G. C. Dixit
15. Shri Tarun Gogoi
16. Shri Z. M. Kahandole
17. Shri Yamuna Prasad Mandal
18. Shri F. H. Mohsin
19. Shri Niti Raj Singh Chaudhury
20. Shri D. K. Panda
21. Shri R. Balakrishna Pillai
22. Chowdhury Ram Sewak
23. Shri M. Satyanarayan Rao
24. Shri Vayalar Ravi
25. Shri Shanker Rao Savant
26. Shri Shambhu Nath
27. Shri B. R. Shukla
28. Shri S. N. Singh
29. Shri G. Viswanathan
30. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 135

The Clause was deleted.

Clause 136

The Clause was adopted without any change.

Clause 137

The Clause was adopted without any change.

Clause 138

The Clause was adopted without any change.

Clause 139

The Clause was adopted without any change.

Clause 140

The Clause was adopted without any change.

Clause 141

After detailed discussion, the Clause was adopted without any change.

Clause 142

The Clause was adopted without any change.

Clause 143

The following amendment was accepted:—

Page 36, line 28, after the word 'assaults' insert "or uses criminal force to".

The Clause, as amended, was adopted.

Clause 144

The Clause was adopted without any change.

Clause 145

After detailed discussion, the Clause was adopted without any change.

3. The Committee then adjourned at 4.00 P.M. to meet again at 3.00 P.M. on Tuesday, the 26th August, 1975.

LXXVIII

SEVENTY-EIGHTH MEETING

The Committee met at 3.00 P.M. on Tuesday, the 26th August, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Kalp Nath
8. Shri Veerendra Patil

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri Khemchandbhai Chavda
13. Shri G. C. Dixit
14. Shri Dinesh Joarder
15. Shri Yamuna Prasad Mandal
16. Shri F. H. Mohsin
17. Shri Niti Raj Singh Chaudhury
18. Shri D. K. Panda
19. Chowdhury Ram Sewak
20. Shri M. Satyanarayan Rao
21. Shri Vayalar Ravi
22. Shri Shanker Rao Savant
23. Shri Shambhu Nath
24. Shri B. R. Shukla
25. Shri Ram Shekhar Prasad Singh
26. Shri S. N. Singh
27. Shri G. Viswanathan

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel
 Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 146

The following amendment was accepted:—

Page 37, for line 11—21, substitute the following:—

- “362A. (1) Whoever on board an aircraft in flight, being an aircraft registered in India, or any other aircraft in flight over the Indian air space, unlawfully by force or show or threat of force or by any other form of intimidation seizes such aircraft or exercises control over it or attempts to seize or exercises control over it for the purpose of landing at a place other than the place of its destination or for any other purpose shall be punished with imprisonment for life and shall also be liable to fine.
- (2) Whoever on board any vehicle in India or a vehicle registered in India unlawfully by force or show or threat of force or by any other form of intimidation seizes such vehicle or exercises control over it or attempts to seize or exercises control over it for the purpose of taking it to a place other than the place of its destination or for any other purpose shall be punished with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.

*Explanation:—*In this section—

- (1) the period during which an aircraft is in flight shall be deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run, if any, at the termination of that flight ends;
- (2) the word ‘vehicle’ includes any vessel but does not include an “aircraft.”

The Clause, as amended, was adopted.

Clause 147

The Clause was deleted.

Clause 148

The Clause was deleted.

Clause 149

The Clause was adopted subject to the following amendment:—

Page 37, line 33, for the word “fourteen” substituted “ten”.

Clause 150

The Clause was adopted without any change.

Clause 151

The Clause was adopted without any change.

Clause 152

The Clause was adopted without any change.

Clause 153

The Clause was adopted without any change.

Clause 154

The Clause was adopted without any change.

Clause 155

The Clause was adopted without any change.

Clause 156

The Clause was adopted without any change.

3. The Committee then adjourned at 4.30 P.M. to meet again at 3.00 P.M. on Wednesday, the 27th August, 1975.

LXXIX

SEVENTY-NINTH MEETING

The Committee met at 3.00 P.M. on Wednesday, the 27th August, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Anand Narain Mulla
3. Shrimati Sumitra G. Kulkarni
4. Shri Shyam Lal Yadav
5. Shri Jagdish Joshi
6. Shri Nathi Singh

Lok Sabha

7. Shri P. Ankinēdu Prasadarao
8. Shri R. V. Bade
9. Shri H. K. L. Bhagat
10. Shri Khemchandbhai Chavda
11. Shri G. C. Dixit
12. Shri Tarun Gogoi

13. Shri Dinesh Joarder
14. Shri Yamuna Prasad Mandal
15. Shri F. H. Mohsin
16. Shri Niti Raj Singh Chaudhury
17. Chowdhury Ram Sewak
18. Shri K. Narayana Rao
19. Shri M. Satyanarayan Rao
20. Shri Vayalar Ravi
21. Shri Shanker Rao Savant
22. Shri Shambhu Nath
23. Shri B. R. Shukla
24. Shri Ram Shekhar Prasad Singh
25. Shri S. N. Singh
26. Shri G. Viswanathan

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 157

The following amendments were accepted:—

- (1) Page 39, delete line 17.
- (2) Page 39, delete lines 25 to 27.
- (3) Page 39, line 31, for the word "seven" substitute "three".
- (4) Page 39, line 33, for the word "life" substitute "life or with imprisonment of either description for a term which may extend to ten years".
- (5) Page 39, for lines 35—39, substitute—

"376A. Whoever, being a public servant, takes undue advantage of his official authority and seduces any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse,

such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine”.

- (6) Page 40, lines 4-5, for the words “compels or seduces to illicit sexual intercourse any female inmate of the institution” substitute “takes undue advantage of his official position and seduces any female inmate of the institution to have sexual intercourse, such sexual intercourse not amounting to the offence of rape”.
- (7) Page 10, line 7, for the words “or with fine, or with both” substitute “and shall also be liable to fine”.
- (8) Page 40, line 12, omit the words “but does not include—”
- (9) Page 40, omit lines 13 to 17.
- (10) Page 40, line 19, for “illicit sexual intercourse” substitute “sexual intercourse, such sexual intercourse not amounting to the offence of rape”.
- (11) Page 40, lines 22-23, for the words “or with fine, or with both” substitute “and shall also be liable to fine”.
- (12) Page 40, omit lines 24—26.

The Clause, as amended, was adopted.

3. The Committee then adjourned at 5.40 P.M. to meet again at 3.00 P.M. on Thursday, the 28th August, 1975.

LXXX

EIGHTIETH MEETING

The Committee met at 3.10 P.M. on Thursday, the 28th August, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair*
2. Shrimati Sumitra G. Kulkarni
3. Shri Shyam Lal Yadav
4. Shri Jagdish Joshi
5. Shri Nathi Singh
6. Shri Kalp Nath

Lok Sabha

7. Shri R. V. Bade
8. Shri H. K. L. Bhagat
9. Shri G. C. Dixit
10. Shri Tarun Gogoi
11. Shri Dinesh Joarder
12. Shri Z. M. Kahandole

13. Shri Yamuna Prasad Mandal
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Shri D. K. Panda
17. Chowdhury Ram Sewak
18. Shri Vayalar Ravi
19. Shri Shanker Rao Savant
20. Shri B. R. Shukla
21. Shri S. N. Singh
22. Shri G. Viswanathan
23. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Shri R. Vasudevan, Deputy Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. In the absence of the Chairman Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 158

The Clause was adopted without any change.

Clause 159

The following amendments were accepted:—

(1) Page 41, line 1, after the words "other place" add "which is or was or had been used as a place".

(2) Page 41, after line 9, add—

(2) Whoever commits theft of an article of antiquity shall be punished with rigorous imprisonment which may extend to ten years and also with fine".

The Legislative Counsel was authorised to carry out drafting changes, if necessary.

(3) Page 41, after line 19, add—

“381A. Whoever commits theft of any thing in the possession of another, by putting him in a state of intoxication or unconsciousness shall be punished with rigorous imprisonment which may extend to seven years and shall also be liable to fine”.

The Legislative Counsel was authorised to carry out drafting changes, if necessary.

The Clause, as amended, was adopted.

Clause 160

The following amendments were accepted:—

(1) Page 41, line 23, after the word “imputation” insert “whether orally or by writing or by visible representation”.

The Legislative Counsel was authorised to carry out drafting changes, if necessary.

(2) Page 41, for lines 27-28, substitute—

“Explanation 1.—In this section, the words ‘near relative’ shall have the meaning assigned to it in section 94”.

The Clause, as amended, was adopted.

Clause 161

The following amendment was accepted:—

Page 41, for lines 32 to 34, substitute—

“161. In section 388 of the Penal Code, for the words ‘punished with imprisonment for life’ the words ‘punished with the punishment prescribed for the offence’ shall be substituted.”

The Clause, as amended, was adopted.

Clause 162

The following amendment was accepted:—

Page 41, for lines 35—37, substitute—

“162. In section 389 of the Penal Code, for the words ‘punished with imprisonment for life’ the words ‘punished with punishment prescribed for the offence’ shall be substituted.”

The Clause, as amended, was adopted.

Clause 163

The Clause was under discussion when the Committee rose for the day.

4. The Committee decided to conclude its present series of sittings. The Committee also decided to hold its next sittings for a few days from the 16th October, 1975 onwards for further Clause-by-Clause consideration of the Bill. The Members, however, desired that the next meetings of the Committee should be held outside Delhi preferably at Bangalore or Srinagar so that they might be able to devote their full attention for the consideration of the remaining provisions of the Bill. The Chairman was

requested to approach the Chairman, Rajya Sabha, for obtaining the permission required.

5. The Committee then adjourned at 5.20 P.M.

LXXXI

EIGHTY-FIRST MEETING

The Committee met at 10.15 A.M. on Thursday, the 16th October, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair*
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shri V. V. Swaminathan
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri Kalp Nath
9. Shri K. P. Singh Deo

Lok Sabha

10. Shri P. Ankineedu Prasadarao
11. Shri Banamali Babu
12. Shri R. V. Bade
13. Shri H. K. L. Bhagat
14. Shri Khemchandbhai Chavda
15. Shri Tarun Gogoi
16. Shri Dinesh Joarder
17. Shri Z. M. Kahandole
18. Shri G. Y. Krishnan
19. Shri Yamuna Prasad Mandal
20. Shri F. H. Mohsin
21. Shri Niti Raj Singh Chaudhury
22. Chowdhury Ram Sewak
23. Shri Vayalar Ravi
24. Shri Shanker Rao Savant
25. Shri Shambhu Nath
26. Shri Ram Shekhar Prasad Singh
27. Shri S. N. Singh
28. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Shri R. Vasudevan, Deputy Secretary

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri M. K. Jain, Chief Legislative Committee Officer

Shri R. K. Mazumdar, Senior Legislative Committee Officer.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee resumed clause-by-clause consideration of the Bill.

Clause 163—contd.

The Committee considered the clause further. The following amendment was accepted:—

Page 41, line 44, delete "clause (a), clause (b) or clause (c) of".

The clause, as amended, was adopted.

Clause 164

The clause was adopted without any change.

Clause 165

The clause was adopted without any change.

Clause 166

The following amendment was accepted:—

Page 42, delete lines 16-17.

The clause, as amended, was adopted.

New Clause 166A

The Committee decided to insert the following new clause:—

"166A. After section 399 of the Penal Code, the following section shall be inserted, namely:—

Insertion of new section 399A.—'399A. Whoever makes any preparation for committing robbery shall be punished with rigorous imprisonment for a term which may extend to five years, and shall also be liable to fine.'

Clause 167

The clause was adopted without any change.

Clause 168

The clause was adopted without any change.

Clause 169

The following amendments were accepted:—

- (i) Page 42, line 32, for the word “or” substitute “and”.
- (ii) Page 42, line 33, for the word “is” substitute “may be”.

The clause, as amended, was adopted.

Clause 170

The clause was adopted without any change.

Clause 171

The clause was adopted without any change.

Clause 172

The clause was adopted without any change.

Clause 173

The following amendment was accepted:—

- Page 43, line 15, for the figure “82” substitute “82 or section 83”.

The clause, as amended, was adopted.

Clause 174

The clause was adopted without any change.

Clause 175

Consideration of the clause was held over.

Clause 176

Consideration of the clause was held over.

Clause 177

The following amendments were accepted:—

- (i) Page 45, line 39, after the word “drainage” insert “such act not amounting to sabotage”.
- (ii) Page 46, line 11, after the word “mischief” insert “such act not amounting to sabotage”.

The clause, as amended, was adopted.

The Committee decided not to sit on Saturday, the 18th October, and Tuesday, the 21st October, 1975. The Committee, however, decided to sit on the 22nd October, 1975 also.

The Committee then adjourned at 12.15 P.M. to meet again at 10.30 A.M. on Friday the 17th October, 1975.

EIGHTY-SECOND MEETING

The Committee met at 11.00 A.M. on Friday, the 17th October, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Sasankasekhar Sanyal—*in the Chair*.
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shri V. V. Swaminathan
5. Shri Jagdish Joshi
6. Shri Nathi Singh

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri R. V. Bade
9. Shri H. K. L. Bhagat
10. Shri G. C. Dixit
11. Shri Tarun Gogoi
12. Shri G. Y. Krishnan
13. Shri F. H. Mohsin
14. Shri Niti Raj Singh Chaudhury
15. Shri Vayalar Ravi
16. Shri B. R. Shukla
17. Shri S. N. Singh
18. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3 The Committee resumed clause-by-clause consideration of the Bill.

Clause 175

The clause, which was held over earlier, was adopted subject to the following amendment:—

Page 43, line 36, for the word "intentionally" substitute "fraudulently or dishonestly".

Clause 176

The clause, which was held over earlier, was considered and following amendments were accepted:—

(i) Page 44, lines 21-22 and line 26 for the word "dishonestly" in both places substitute "dishonestly or fraudulently".

(ii) Pages 44-45, delete lines 32-40 and 1-17 respectively.

After detailed discussion, the Committee accepted in principle the spirit of section 420B, which had been deleted from the clause, but decided that those persons who were engaged in professions which were amenable to discipline by a legally constituted authority should be exempted from the provisions of the section and desired that the Legislative Counsel should submit a suitable draft for insertion of that provision at the proper place of the Bill.

Consideration of the clause was not concluded.

The Committee then adjourned at 12.40 P.M. to meet again at 10.30 A.M. on Monday, the 20th October, 1975.

LXXXIII**EIGHTY-THIRD MEETING**

The Committee met at 10.45 A.M. on Monday, the 20th October, 1975.

MEMBERS PRESENT*Rajya Sabha*

- 1 Shri Sasankasekhar Sanyal—in the Chair
2. Shri Nageshwar Prasad Shahi
3. Shrimati Sumitra G. Kulkarni
4. Shri Shyam Lal Yadav
5. Shri Jagdish Joshi
6. Shri Nathi Singh
7. Shri Kalp Nath
8. Shri K. P. Singh Deo

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri Khemchandbhai Chevda

13. Shri G. C. Dixit
14. Shri Z. M. Kahandole
15. Shri G. Y. Krishnan
16. Shri F. H. Mohsin
17. Shri Niti Raj Singh Chaudhury
18. Shri R. Balakrishna Pillai
19. Chowdhury Ram Sewak
20. Shri M. Satyanarayan Rao
21. Shri Shanker Rao Savant
22. Shri Shambhu Nath
23. Shri B. R. Shukla
24. Shri Ram Shekhar Prasad Singh
25. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. In the absence of the Chairman, Shri Sasankasekhar Sanyal was voted to the Chair.

3. The Committee resumed clause-by-clause consideration of the Bill.

Clause 175

The clause was re-opened and the following was substituted for lines 36 to 40, Page 43:—

“(b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to any person in body, mind, reputation or property or wrongful gain to any person.”

The clause, as further amended, was adopted.

Clause 176—contd.

The clause was considered further and the following amendments were accepted:—

Page 44, after line 31, add—

420B. *Publication of false advertisement.*—(1) Whoever publishes or causes to be published any advertisement containing a

statement which purports to be statement of fact but which is untrue, deceptive or misleading or is intentionally so worded or arranged that it is deceptive or misleading,

- (a) to promote, directly or indirectly, the sale or disposal of property or any interest therein, or
 - (b) to promote a business or commercial interest, shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both.
- (2) Whoever publishes or causes to be published in an advertisement a statement or guarantee of the performance, efficacy or length of life or of anything which is not based upon an adequate and proper test of that thing, the proof of which lies upon the accused, shall, if the advertisement is published to promote, directly or indirectly, the sale or disposal of that thing, be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

Exception: A person who publishes an advertisement which he accepts in good faith for publication in the ordinary course of his business as a publisher shall not be liable to be punished under this section.

*Explanation—*The word ‘advertisement’ includes any notice, circular, label, wrapper or other document and any announcement made orally or by any means of producing or transmitting light, sound or smoke.

420C. *Certain Fraudulent act in relation to properties of companies.*—Whoever with intent to mislead, injure or defraud any person or the public in general, makes or causes to be made any transfer of property belonging to a company by gift, sale or otherwise, or with such intent alters, removes or conceals any signboard or name plates of the company or does any act to indicate that the company has ceased to exist shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

*Explanation—*In this section, ‘company’ means any body corporate and includes a firm or other association of individuals.

The clause, as further amended, was adopted.

Clause 178

The following amendments were accepted:—

- (i) Page 46, line 20, after the word “mischief” insert “such act not amounting to sabotage”.
- (ii) Page 47, after line 5, add the following:—

Sabotage—“437. (1) Whoever does any act with intent to impair the efficiency or impede the working of, or to cause loss, damage or destruction to,—

- (a) any building, installation or other property, used in connection with the production, distribution or supply of water, light, power or energy;
- (b) any sewage works;
- (c) any mine or factory;
- (d) any laboratory or institution where scientific or technological research is conducted;
- (e) any means of public transportation or of telecommunications or any building, installation or other property used in connection therewith;

is said to commit the offence of "sabotage" and whoever commits sabotage shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

- (2) Whoever commits sabotage which is or is likely to be prejudicial to—

- (a) the sovereignty or integrity of India,
 - (b) the security of India or any part thereof,
 - (c) the friendly relations of India with any foreign country,
- shall be punished with imprisonment for life and shall also be liable for fine.

- (3) The provisions of sub-section (1) or sub-section (2) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any corporation owned or controlled by Government or to any person, to do, as they apply to the doing of any act by a person.

- (4) Nothing in sub-section (3) shall apply to a person who—

- (a) stops work as a result of a failure to arrive at an agreement with his employer on any matter relating to his employment;
- (b) stops work as a result of his taking part in such activity in combination with other workmen or employees for the purpose of protecting their own legitimate rights as workmen or employees:

Provided that such stoppage of work is not prohibited by or under any law for the time being in force."

The Committee, however, decided that there should be a separate section in the code providing punishment for making preparation for committing sabotage. The Legislative Counsel was asked to submit a suitable draft for insertion of the provision in the Bill.

The consideration of the clause was not concluded.

Clause 179

After some discussion, the clause was adopted without any change.

Clause 180

The following amendment was accepted:—

Page 48, lines 4-5, for the words “rigorous imprisonment for a term which may extend to fourteen” substitute “life imprisonment or with rigorous imprisonment which may extend to ten”.

Legislative Counsel was, however, asked to submit a revised draft of the clause taking into account the discussion held and the consensus arrived at.

Clause 181

The clause was deleted.

New Clause 181A

The Committee considered the draft submitted by the Legislative Counsel as was directed while considering Clause 176 and decided to insert the following New Clause:—

Page 48, after line 27, insert—

181A. *Insertion of new Chapter XVIIIA*—After section 462 of the Penal Code, the following Chapter and section shall be inserted, namely:—

CHAPTER XVIIIA

Offences relating to private employment

“462A. *Employee taking bribe in respect of affairs of business of employee or of person who engaged him*—(1) Whoever, being employed or engaged by another, accepts or obtains or agrees to accept or attempts to obtain, from any person, other than the person who employed or engaged him, for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward—

- (a) for doing or forbearing to do any act in relation to the affairs or business of the employer or of the person who engaged him; or
- (b) for showing or forbearing to show, in the exercise of his functions, favour or disfavour to any person in relation to the affairs or business of the employer or of the person who engaged him.

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Explanation 1.—The word “gratification” is not restricted to pecuniary gratification, or to gratifications estimable in money.

Explanation 2.—The words “legal remuneration” are not restricted to remuneration which any employee can lawfully demand, but include all remuneration which he is permitted by his employer to accept.

Explanation 3.—“A motive or reward for doing.” A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do or has not done, comes within these words.

(2) Nothing contained in sub-section (1) shall apply to:—

- (a) any member of a profession whose conduct or discipline is regulated by any other law in that behalf; or
- (b) a public servant".

Clause 182

The clause was adopted without any change.

Clause 183

The clause was adopted without any change.

Clause 184

The clause was adopted without any change.

Clause 185

The clause was adopted without any change.

The Committee adjourned at 12.45 P.M. to meet again at 10.30 A.M. on Wednesday, the 22nd October, 1975.

LXXXIV

EIGHTY-FOURTH MEETING

The Committee met at 10.45 A.M. on Wednesday, the 22nd October, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Sasankasekhar Sanyal
3. Shri Nageshwar Prasad Shahi
4. Shrimati Sumitra G. Kulkarni
5. Shri V. V. Swaminathan
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri K. P. Singh Deo

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri G. C. Dixit

13. Shri Z. M. Kahandole
14. Shri G. Y. Krishnan
15. Shri F. H. Mohsin
16. Shri Niti Raj Singh Chaudhury
17. Shri K. Narayana Rao
18. Shri B. R. Shukla
19. Shri Ram Shekhar Prasad Singh
20. Shri S. N. Singh
21. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 178—contd.

The Clause was further considered and following amendment was accepted:—

Page 47, after line 5, insert—

“438. *Making preparation to commit sabotage.*—Whoever makes any preparation for committing sabotage shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine”.

The Clause, as amended further, was adopted.

Clause 180—contd.

The Committee considered the draft submitted by the Legislative Counsel and accepted the following amendments:—

(i) Page 47, for lines 17—22, substitute—

“443. *Burglary.*—A person commits burglary, if—

(a) he commits house-trespass in order to commit theft; or

(b) having committed house-trespass, he commits theft.

443A. *House-trespass in order to commit certain offences.*—Whoever—

(a) commits house-trespass in order to commit any offence punishable with imprisonment for seven years or upwards;
or

(b) having committed house-trespass, commits any such offence as aforesaid,

shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine".

(ii) Page 48, line 1, for "burglary" substitute "burglary or an offence under section 443A".

(iii) Page 48, line 6, for "burglary" substitute "burglary or an offence under section 443A".

The Clause, as amended further, was adopted.

Clause 185

The Clause was reopened and following amendment was accepted:—

Page 49, line 7, for the words "adopt a son" substitute "adopt a person".

The Clause, as amended, was adopted.

Clause 186

The Clause was adopted without any change.

Clause 187

The Clause was deleted.

Clause 188

The Clause was adopted without any change.

Clause 189

The Clause was adopted without any change.

Clause 190

The Clause was deleted.

Clause 191

The Clause was adopted without any change.

Clause 192

The following amendment was accepted:—

Page 50, for line 8, substitute—

"(a) for the words "or an authority to adopt a son" the words "or an authority to adopt a person" shall be substituted.

The Clause, as amended, was adopted.

New Clause 192A

The Committee decided to insert the following New Clause:—

'192A. *Amendment of section 477A.*—In section 477A of the Penal Code, for the words "being a clerk, officer, or servant or employed or acting in the capacity of a clerk, officer or servant", the words "being employed in any capacity and acting in that capacity" shall be substituted.'

Clause 193

The Clause was adopted without any change.

New Clause 193A

The Committee decided to insert the following New Clause:—

'193A. *Insertion of New section 489F.*—After section 489E of the Penal Code, the following section shall be inserted, namely:—

"489F. *Punishment for preparation for committing offences under section 489A to section 489E.*—Whoever makes any preparation for committing any offence punishable under section 489A to section 489E shall be punished with imprisonment for a term which may extend to one-half of the imprisonment provided for that offence, or with fine or with both".'

Clause 194

The following amendments were accepted:—

(i) Page 50, line 22, after the word "into" insert "or in the vicinity of".

(ii) Page 50, line 34, add—

"*Exception.*—Nothing in this section shall apply to the use of any artificial listening or recording apparatus for any purpose authorised or permitted under any law."

(iii) Page 51, after line 5, add—

(3) Whoever knowingly takes a photograph of a place, building or thing where such taking is prohibited by a written notice, shall be punished with imprisonment of either description which may extend to six months or fine or both.

(4) Whoever, knowing by that such photography is prohibited, publishes such photography shall also be punished with imprisonment of either description which may extend to six months or fine or both".

The Legislative Counsel was authorised to carry out drafting changes in amendment (iii), if necessary.

The Clause, as amended, was adopted.

Clause 195

The following amendments were accepted:—

(i) Page 51, line 15, for the words "contracts another marriage" substitute "remarriage".

- (ii) Page 51, line 16, for the word "marriage" substitute "remarriage".

The Legislative Counsel was asked to submit a draft of the Clause incorporating the amendments accepted by the Committee.

Clause 196

The Clause was adopted without any change.

Clause 197

The Clause was adopted without any change.

Clause 198

The Clause was adopted without any change.

Clause 199

The Clause was adopted without any change.

Clause 200

The Clause was adopted without any change.

3. The Committee then considered its future programme and decided to hold its next series of sittings for a few days from 6th November, 1975.

4. The Committee then adjourned at 12.35 P.M. to meet again at 3.00 P.M. on Thursday, the 6th November, 1975.

LXXXV

EIGHTY-FIFTH MEETING

The Committee met at 3.00 P.M. on Thursday, the 6th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Nathi Singh
7. Shri Kalp Nath

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri Banamali Babu
10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri Khemchandbhai Chavda

13. Shri G. C. Dixit
14. Shri Tarun Gogoi
15. Shri Dinesh Joarder
16. Shri Z. M. Kahandole
17. Shri Yamuna Prasad Mandal
18. Shri F. H. Mohsin
19. Shri Niti Raj Singh Chaudhury
20. Shri R. Balakrishna Pillai
21. Chowdhury Ram Sewak
22. Shri M. Satyanarayan Rao
23. Shri B. R. Shukla
24. Shri Ram Shekhar Prasad Singh
25. Shri S. N. Singh
26. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

2. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 201

The following amendments were accepted:—

- (i) Page 52, delete lines 29—40.
- (ii) Page 53, line 1, for “507C” substitute “507A”.
- (iii) The Committee decided that mutilation and disfigurement of statues should also be made an offence under the Clause. The Legislative Counsel was authorised to carry out necessary changes in the Clause.

The Clause, as amended, was adopted.

Clause 202

The following amendment was accepted:—

Page 53, lines 34-35, for the words “with fine which may extend to five hundred rupees” substitute “with imprisonment till rising of the Court or with fine which may extend to one hundred rupees”.

The Legislative Counsel was however authorised to redraft the Clause, if necessary.

The Clause, as amended, was adopted.

Clause 203

The Clause was adopted without any change.

Clause 204

The Clause was adopted without any change.

3. The Committee then adjourned at 4.35 P.M. to meet again at 10.30 A.M. on Friday, the 7th November, 1975.

LXXXVI

EIGHTY-SIXTH MEETING

The Committee met at 11.00 A.M. on Friday, the 7th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shri Jagdish Joshi
3. Shri Nathi Singh
4. Shri Kalp Nath

Lok Sabha

5. Shri P. Ankineedu Prasadarao
6. Shri Banamali Babu
7. Shri R. V. Bade
8. Shri B. E. Choudhari
9. Shri Dinesh Joarder
10. Shri G. Y. Krishnan
11. Shri F. H. Mohsin
12. Shri Niti Raj Singh Chaudhury
13. Chowdhury Ram Sewak
14. Shri K. Narayana Rao
15. Shri M. Satyanarayan Rao
16. Shri Shanker Rao Savant
17. Shri B. R. Shukla
18. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 2—contd.

The Committee adopted the Clause subject to the following amendments:—

(i) Page 1, lines 14-15, for “an alien—(i) in” substitute “an alien in”.

(ii) Page 2, for lines 1—11, substitute—

“(d) to any act committed outside India by an alien which would constitute an offence—

(i) against the sovereignty, security, territorial integrity of India under Chapter VI or Chapter VII of this Code or political independence of the State provided the act or commission which constitutes the crime was not committed in exercise of a liberty guaranteed the alien by the law of the place where it was committed, or

(ii) relating to coinage or currency under Chapter XII or Chapter XVIII of this Code, or

(iii) relating to forgery in relation to passports, visas or other travel documents under Chapter XVIII of this Code, or

(iv) relating to the forcible seizure or control of an aircraft or other vehicle under section 362A, or

(v) relating to abetment of, or criminal conspiracy to commit, any such offence as is referred to in the above sub-clauses under Chapter V and Chapter VA of this Code.

Explanation—For the purposes of this section, the word ‘offence’ includes every act committed outside India which, if committed in India, would be punishable under this Code, and which in relation to an offence referred to in clause (d), is also punishable under any law at the place where it is committed”.

The Legislative Counsel was, however, authorised to carry out drafting changes, if necessary.

Clause 9—contd.

The following amendments were accepted:—

(i) Page 2, for line 33, substitute—

'18. For the purpose of this Code, the word "India" wherever it occurs, means the territories to which the Code extends.'

(ii) Page 3, for lines 1—6, substitute—

'19. The word "Judge" denotes not only every person who is officially designated as a Judge, but also—

(a) every person—

(i) who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgement, or a judgement which, if not appealed against would be definitive, or a judgement which, if confirmed by some other authority, would be definitive, or

(ii) who is one of a body of persons, which body of persons is empowered by law to give such a judgement; and

(b) a magistrate".

(iii) Page 3, for lines 9—39, substitute—

'21. "Public servant" means,—

(i) any person in the service or pay of the Government, or remunerated by the Government by fees or commission for the performance of any public duty;

(ii) any person in the service or pay of a local authority;

(iii) any person in the service or pay of a corporation owned or controlled by the Government;

(iv) any Judge, including any person empowered by law to discharge, whether by himself or as a member of a body of persons, any adjudicatory functions;

(v) any person specially authorised by a Court of Justice to perform any duty in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such Court;

(vi) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a Court of Justice or by a competent public authority;

(vii) any person employed or engaged as an examiner or as an invigilator by any public body in connection with any examination recognised or approved by or under any law.

Explanation—The expression 'public body' includes,—

- (a) a University, Board of Education or other body or institution, either established by or under a Central, State or Provincial Act or constituted by the Government;
- (b) a local authority;
- (viii) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election; or
- (ix) any person who holds an office by virtue of which he is authorised or required by law to perform any public duty.

Explanation 1—Persons falling under any of the above clauses are public servants whether appointed by the Government or not.

Explanation 2—A person falling under any of the above clauses by virtue of any office or situation he is actually holding is a public servant, whatever legal defect there may be in his right to hold that office or situation.

The Clause as amended, was adopted.

Clause 17

The Clause was adopted without any change.

Clause 25

The following amendment was accepted:—

Page 6, after line 37, add the following—

- “(4) Where an offender has suffered the full or, as the case may be, the reduced term of imprisonment in default of payment of fine and the court which convicted him is satisfied on application made to it in this behalf that he has no means to pay the fine that remains unpaid or unrealised, it may, by order, direct that such fine or part thereof shall not thereafter be realised from him”.

The Clause, as amended, was adopted.

3. The Committee then adjourned at 12.50 P.M. to meet again at 10.30 A.M. on Monday, the 10th November, 1975.

LXXXVII

EIGHTY-SEVENTH MEETING

The Committee met at 10.55 A.M. on Monday, the 10th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Anand Narain Mulla
3. Shrimati Sumitra G. Kulkarni
4. Shri Shyam Lal Yadav
5. Shri Jagdish Joshi

Lok Sabha

6. Shri P. Ankineedu Prasadarao
7. Shri R. V. Bade
8. Shri H. K. L. Bhagat
9. Shri Khemchandbhai Chavda
10. Shri Tarun Gogoi
11. Shri Z. M. Kahandole
12. Shri G. Y. Krishnan
13. Shri Yamuna Prasad Mandal
14. Shri F. H. Mohsin
15. Shri Niti Raj Singh Chaudhury
16. Chowdhury Ram Sewak
17. Shri Vayalar Ravi
18. Shri Shanker Rao Savant
19. Shri B. R. Shukla
20. Shri Ram Shekhar Prasad Singh
21. Shri S. N. Singh
22. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed the Clause-by-Clause consideration of the Bill.

Clause 19—Contd.

The Committee had a detailed discussion on the Clause and again held it over for further consideration.

Clause 20

The Clause was deleted.

Clause 21

The Clause was adopted without any change.

Clause 22

The Clause was under consideration when the Committee adjourned for the day.

3. The Committee then adjourned at 1.00 P.M. to meet again at 10.30 A.M. on Tuesday, the 11th November, 1975.

LXXXVIII

EIGHTY-EIGHTH MEETING

The Committee met at 11.00 A.M. on Tuesday, the 11th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shri Jagdish Joshi

Lok Sabha

5. Shri P. Ankineedu Prasadarao
6. Shri R. V. Bade
7. Shri Tarun Gogoi
8. Shri Z. M. Kahandole
9. Shri F. H. Mohsin
10. Shri D. K. Panda
11. Chowdhury Ram Sewak
12. Shri M. Satyanarayan Rao
13. Shri Vayalar Ravi
14. Shri Shanker Rao Savant
15. Shri Shambhu Nath
16. Shri B. R. Shukla
17. Shri S. N. Singh
18. Shri G. Viswanathan
19. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed the Clause-by-Clause consideration of the Bill.

Clause 22—contd.

After detailed discussion, the Clause was adopted in the following form:—

“22. *Amendment of Section 57*—For section 57 of the Penal Code, the following section shall be substituted, namely:—

“*Mode of reckoning term of imprisonment for life for certain purposes.*—57. In calculating fractions of terms of punishment or for the purpose of granting remission, imprisonment for life shall be reckoned as equivalent to rigorous imprisonment for twenty years:

Provided that where a sentence of imprisonment for life is imposed on conviction of a person for a capital offence, or where a sentence of death imposed on a person has been commuted into one of imprisonment for life, such person shall not be released from prison unless he had completed at least fourteen years of imprisonment.”

The Legislative Counsel was authorised to make drafting changes in the Clause, if necessary.

The Committee, however, desired that Government should ensure that the provisions of the proposed section 57 were not in conflict with the provisions contained in the Cr. P.C.

Clause 26

The Clause was adopted without any change.

Clause 27

The following amendment was accepted:—

Page 7, after line 42, add the following:—

“72A. *Substitution of fine in the case of Companies*—(1) In every case in which the offence is punishable with imprisonment only or with imprisonment and fine, and the offender is a company, it shall be competent for the court to sentence such offender to fine only.

(2) In every case in which the offence is punishable with imprisonment and any other punishment not being fine, and the offender is a company, it shall be competent for the court to sentence such offender to fine only.

Explanation.—For the purposes of this section, “company” means any body corporate and includes a firm or other association of individuals.”

The Clause, as amended, was adopted.

Clause 30

The Clause was under consideration when the Committee adjourned for the day.

3. The Committee then adjourned at 1.05 P.M. to meet again at 3.00 P.M. on Wednesday, the 12th November, 1975.

LXXXIX

EIGHTY-NINTH MEETING

The Committee met at 3.10 P.M. on Wednesday, the 12th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Nageshwar Prasad Shahi
3. Shri Anand Narain Mulla
4. Shrimati Sumitra G. Kulkarni
5. Shri Jagdish Joshi
6. Shri Nathi Singh
7. Shri Kalp Nath

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri R. V. Bade
10. Shri Tarun Gogoi
11. Shri Z. M. Kahandole
12. Shri F. H. Mohsin
13. Shri Niti Raj Singh Chaudhury
14. Shri Shanker Rao Savant
15. Shri Shambhu Nath
16. Shri B. R. Shukla
17. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Officer.

2. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 30—contd.

The following amendment was accepted:—

Page 10, for lines 30—37, substitute the following:—

“75. Whoever, having been convicted by a Court in India of an offence punishable under this Code with imprisonment of either description for a term of three years or upwards and sentenced to imprisonment on such conviction, commits any offence punishable under this Code with imprisonment for the like term, shall be subject for every such subsequent offence to imprisonment for life, or to imprisonment of either description for a term which may extend to ten years:—

Provided that nothing in this section shall apply where the subsequent offence is committed by a person after the expiry of a period of three years from the date of his final release from prison after serving that sentence.

Explanation—The period of three years shall, in the case of a person who has escaped from the prison, be counted from the date on which he would have been released if he had not escaped or the date of his actual release, whichever is later.”

The Legislative Counsel was authorised to make drafting changes in the Clause, if necessary.

The Clause, as amended, was adopted.

Clause 33

The Clause was reopened and the following further amendments were accepted:—

(i) Page 11, line 14, for the words “the following section” substitute “the following sections”.

(ii) Page 11, after line 39, add the following:—

“94A. *Constructive liability of companies.*—(1) Where any offence is committed in furtherance of the affairs of a company by an employee thereof and any act constituting such offence is authorised, requested, commanded, ratified or is facilitated by any violation of a duty to maintain effective supervision, by any of the following or a combination of them, namely:—

- (i) the Board of Directors by whatever name called;
- (ii) any director or manager of the company, by whatever name called, responsible for the supervision of the affairs of the company or for the supervision of any employee sub-ordinate' to such director or manager;
- (iii) any person whether or not an officer of the company, who singly or in conjunction with other person, controls the company or its policy:

such company shall also be deemed to have committed the offence and be liable to be punished accordingly.

(2) If the offence referred to in sub-section (1) is one which requires a culpable mental state and the act constituting the offence has been committed by the employee referred to in that sub-section, then, for the purposes of that sub-section,—

- (a) the company shall be deemed to have committed the offence and shall be liable to be punished accordingly;
- (b) the court shall presume the existence of such mental state on the part of the employee, but it shall be a defence for the company to prove the fact that the employee had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation 1—In this sub-section, “culpable mental state” includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact.

Explanation 2—For the purposes of this sub-section, the fact is said to be proved by the Company only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance or probability.

(3) It shall be no defence in a prosecution under sub-section (1) that an individual, upon whose conduct the liability of the company for the offence is based, has not been prosecuted or is immune from prosecution or is not otherwise subject to justice.

Explanation—For the purposes of this section and section 94B,—

- (a) ‘company’ means any body corporate and includes a firm or other association of individuals;
- (b) ‘director’, in relation to a firm, means a partner in the firm.

94B. *Offences by companies.*—(1) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, or was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all the diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

3. The clause, as further amended, was adopted. The Legislative Counsel was, however, authorised to insert the proposed section 94A and 94B at some other place in the Bill, if necessary.

4. The Committee then considered its future programme and decided to hold the next series of sittings from 25th to 29th November, 1975 for further clause by clause consideration of the Bill.

The Committee then adjourned at 4.50 P.M. to meet again at 3.00 P.M. on Tuesday the 25th November, 1975.

XC

NINETIETH MEETING

The Committee met at 3.00 P.M. on Tuesday, the 25th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Nageshwar Prasad Shahi
3. Shrimati Sumitra G. Kulkarni
4. Shri Jagdish Joshi
5. Shri Nathi Singh
6. Shri Kalp Nath
7. Shri K. P. Singh Deo

Lok Sabha

8. Shri R. V. Bade
9. Shri H. K. L. Bhagat
10. Shri Khemchandbhai Chavda
11. Shri G. C. Dixit
12. Shri Z. M. Kahandole
13. Shri F. H. Mohsin
14. Shri Niti Raj Singh Chaudhury

15. Chowdhury Ram Sewak
16. Shri K. Narayana Rao
17. Shri Vayalar Ravi
18. Shri Shanker Rao Savant
19. Shri Ram Shekhar Prasad Singh
20. Shri S. N. Singh
21. Shri R. P. Yadav
22. Shri M. Satyanarayan Rao

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 19—contd.

After detailed discussion, the Committee accepted the following further amendment:—

Page 5, delete line 15

The clause was still under discussion when the Committee rose for the day.

The Committee then adjourned at 5.00 P.M. to meet again at 11.00 A.M. on Wednesday, the 26th November, 1975.

XCI

NINETY-FIRST MEETING

The Committee met at 10.30 A.M. on Thursday, the 27th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shrimati Sumitra G. Kulkarni
3. Shri Shyam Lal Yadav
4. Shri Nathi Singh
5. Shri Kalp Nath

6. Shri K. P. Singh Deo
7. Shri Veerendra Patil

Lok Sabha

8. Shri Banamali Babu
9. Shri R. V. Bade
10. Shri H. K. L. Bhagat
11. Shri B. E. Choudhari
12. Shri Khemchandbhai Chavda
13. Shri G. C. Dixit
14. Shri Dinesh Joarder
15. Shri F. H. Mohsin
16. Shri Niti Raj Singh Choudhury
17. Shri R. Balakrishna Pillai
18. Chowdhury Ram Sewak
19. Shri M. Satyanarayan Rao
20. Shri Vayalar Ravi
21. Shri Shanker Rao Savant
22. Shri B. R. Shukla
23. Shri S. N. Singh
24. Shri Tarun Gogoi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguli, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 19—contd.

The following further amendments were accepted:—

(i) Page 5, after line 15, insert the following:—
“(iva) Community service;”.

(ii) Page 5, line 16, delete the words “to victims”.

The Clause was still under consideration when the Committee rose for the day.

3. The Committee then adjourned at 1.00 P.M. to meet again at 10.30 A.M. on Friday, the 28th November, 1975.

XCII

NINETY-SECOND MEETING

The Committee met at 11.15 A.M. on Friday, the 28th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Shyam Lal Yadav—*in the Chair*
2. Shri Anand Narain Mulla
3. Shrimati Sumitra G. Kulkarni
4. Shri Kalp Nath
5. Shri K. P. Singh Dec

Lok Sabha

6. Shri P. Ankineedu Prasadarao
7. Shri Banamali Babu
8. Shri R. V. Bade
9. Shri B. E. Choudhari
10. Shri G. C. Dixit
11. Shri Dinesh Joarder
12. Shri F. H. Mohsin
13. Shri Niti Raj Singh Chaudhury
14. Chowdhuri Ram Sewak
15. Shri M. Satyanarayan Rao
16. Shri Vayalar Ravi
17. Shri Shanker Rao Savant
18. Shri B. R. Shukla
19. Shri S. N. Singh
20. Shri R. F. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. In the absence of the Chairman, Shri Shyam Lal Yadav was voted to the Chair.

3. The Committee resumed clause by clause consideration of the Bill.

Clause 19—contd.

The following further amendment was accepted:—

Page 5, after line 19, add the following:—

“(ix) disqualification from holding office;”

The clause, as amended, was adopted.

Clause 29

(1) The following amendment was accepted:—

Pages 8-9, delete lines 4-44 and 1-13 respectively.

(2) Subject to drafting changes, the Committee accepted the following amendment:—

Page 9, after line 13, insert the following:—

“74A. *Community Service*—(1) Where a person who has attained eighteen years of age or upwards is convicted of an offence punishable with fine or with imprisonment for a term not exceeding three years, the court by which he is convicted may, instead of dealing with him in any other way, make an order (hereinafter referred to as Community Service Order) requiring him to perform unpaid work in accordance with the provisions of the Community Service Order, for such number of hours (being not less than forty hours and not more than one thousand hours in the aggregate) as may be specified in the said Order.

(2) The court shall not make a Community Service Order in respect of any offender unless the offender consents in writing to perform unpaid work as required, and unless the court is satisfied that the offender is a suitable person to perform the work required of him and that arrangements exist in the area concerned for enabling the offender to perform the work under proper supervision.

(3) A Community Service Order shall specify the nature of the work to be performed by the offender such as cleaning, sweeping, or other work in a public place, public gardens or streets, removing obstructions, cleaning public buildings, or any other service which is of general benefit to the community but for which it is considered unnecessary or expensive to employ paid workers.

(4) Where a court makes a Community Service Order in respect of two or more offences of which the offender has been convicted by the court, it may direct that the hours of work specified in the Community Service Orders shall be concurrent with or in addition to the hours of work under the one or the other of the Community Service Orders.

Provided that in the former case, the total number of hours shall not exceed the maximum specified in sub-section (1).

(5) Where the court before which an offender appears is satisfied that the offender has failed without reasonable excuse to comply with any of the requirements of the Community Service Order, it may, without prejudice to the continued operation of the Community Service Order, impose on him a fine not exceeding one hundred rupees or may revoke the Community Service Order and deal with the offender for the offence in respect of which the Community Service Order was made in such manner as he may have been liable to be dealt with for that offence.

(6) Where the court is satisfied that, having regard to the circumstances which have arisen after the making of the Community Service Order, it is necessary or expedient in the interests of justice so to do, it may modify or revoke the Community Service Order and deal with the offender for the offence in respect of which Community Service Order was made in such manner as he may have been liable to be dealt with for the offence."

The Committee desired that a revised draft of the amendment should be prepared by the Legislative Counsel taking into account the discussion held, and circulated to the Members.

(3) The following amendments were also accepted:—

(i) Page 9, line 16, after the word "such" insert "monetary".

(ii) Page 9, delete lines 19-23.

The Legislative Counsel was authorised to carry out drafting changes, where necessary.

(iii) Page 9, line 27, delete the words "or in lieu of".

(iv) Page 9, line 29, after the word "sentenced" add "or, where the offence is punishable with fine only or with imprisonment for a period not exceeding 3 months, in lieu of such punishment".

The discussion on the clause was not concluded.

The Committee then adjourned at 1.05 P. M. to meet again at 10.30 A.M. on Saturday, the 29th November, 1975.

XCIII

NINETY-THIRD MEETING

The Committee met at 10.30 A.M. on Saturday, the 29th November, 1975.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Srimati Sumitra G. Kulkarni
5. Shri Shyam Lal Yadav
6. Shri Jagdish Joshi
7. Shri Kalp Nath

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri Banamali Babu
10. Shri R. V. Bade
11. Shri H. K. L. Bhagat
12. Shri G. C. Dixit
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri Z. M. Kahandole
16. Shri F. H. Mohsin
17. Shri D. K. Panda
18. Chowdhury Ram Sewak
19. Shri M. Satyanarayan Rao
20. Shri Shambhu Nath
21. Shri B. R. Shukla
22. Shri S. N. Singh
23. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri C. R. Menon, Deputy Legislative Counsel

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri M. K. Jain, Chief Legislative Committee Officer

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 29—contd.

The following amendments were accepted:—

- (i) Page 9, line 32, delete the words “and social”.
- (ii) Page 10, line 25, after the word “under” insert “section 198A”.
- (iii) Page, 10, line 26, for the figure “420” substitute “420A, section 462A”.
- (iv) Page 10, after line 27, add the following:—

Disqualification from holding office.—“74D. Where any person holding office as a director or manager of a company or as a public servant is convicted of any offence committed in connection with the affairs of the company or with his office as public servant, the court may, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified from holding the same or similar office or exercising similar functions in the company or organisation where he was holding such office or in any other company or organisation, for a period not exceeding five years, if the court is of opinion that it is necessary to do so and may direct the publication of such order in the manner provided in section 74C.

Explanation.—In this section, ‘public servant’ does not include a person appointed to any public service or post in connection with the affairs of the Union or of any State”.

The Clause, as amended, was adopted.

Clause 34—contd.

The following amendment was accepted:—

Page 12, lines 5-6, for the words “though the court may have had no” substitute “if the court had prima-facie”.

The Clause, as amended, was adopted.

3. The Committee then considered its future programme and decided to meet on the 23rd and 24th December, 1975.

4. The Committee adjourned at 12.25 P.M. to meet again at 10.30 A.M. on Tuesday, the 23rd December, 1975.

XCIV

NINETY-FOURTH MEETING

The Committee met at 10.45 A.M. on Tuesday, the 23rd December, 1975.

MEMBERS PRESENT

Rajya Sabha

- 1. Shri Yogendra Sharma—*Chairman*
- 2. Shri Sasankasekhar Sanyal

3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla
5. Shrimati Sumitra G. Kulkarni
6. Shri Jagdish Joshi
7. Shri Nathi Singh
8. Shri Kalp Nath

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri Banamali Babu
11. Shri R. V. Bade
12. Shri B. E. Choudhari
13. Shri Khemchandbhai Chavda
14. Shri G. C. Dixit
15. Shri Tarun Gogoi
16. Shri F. H. Mohsin
17. Shri Niti Raj Singh Chaudhury
18. Shri M. Satyanarayan Rao
19. Shri Vayalar Ravi
20. Shri Shanker Rao Savant
21. Shri B. R. Shukla
22. Shri Ram Shekhar Prasad Singh
23. Shri S. N. Singh
24. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel
Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.
Shri M. K. Jain, Chief Legislative Committee Officer
Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 29—contd.

The Committee approved the following revised draft of section 74A of the Clause submitted by the Legislative Counsel:—

Community Service.—74A. (1) Where any person not under eighteen years of age is convicted of an offence punishable with fine, or with imprisonment of either description for a term not exceeding three years, or with both, the court may, instead of punishing him as aforesaid or dealing with him in any other

manner, make an order (hereinafter in this section referred to as the Community Service Order) requiring him to perform, without any remuneration, whether in cash or in kind, such work and for such number of hours and subject to such terms and conditions, as may be specified in the said Order:

Provided that the number of hours for which any such person shall be required to perform work under a Community Service Order shall be not less than forty hours and not more than one thousand hours:

Provided further that the court shall not make a Community Service Order in respect of any such person, unless—

- (a) such person consents in writing to perform the work required of him under such Order;
- (b) the court is satisfied that such person is a suitable person to perform the work required of him and that for the purpose of enabling him to do such work under proper supervision, arrangements have been made by the State Government or any local authority in the area in which such person is required to perform such work.

(2) Every Community Service Order made under sub-section (1) shall specify the nature of the work to be performed by such person which shall be of general benefit to the community.

(3) Where the court by which any Community Service Order was made is satisfied at any time that—

- (a) any person against whom a Community Service Order has been made under sub-section (1) has failed, without reasonable cause or excuse, to comply with any of the terms and conditions specified in such Order; or
- (b) having regard to the circumstances that exist subsequent to the date of making the Community Service Order, it is necessary or expedient in the interests of justice so to do,

it may—

- (i) in a case falling under clause (a), modify or revoke the Community Service Order and deal with the person convicted of the offence in such manner as he may have been liable to be dealt with for the offence in relation to which such Order was made or, without prejudice to the continued operation of the Community Service Order, impose on him a fine not exceeding one hundred rupees; or
- (ii) in a case falling under clause (b), modify or revoke the Community Service Order and deal with the person convicted of the offence in such manner as he may have been liable to be dealt with for the offence in relation to which such Order was made.

(4) Where a court makes two or more Community Service Orders against a person convicted of two or more offences at the same trial, it may direct that the hours of work required to be done under any Community Service Order shall be concurrent with or in addition to the

hours of work under any of the Community Service Orders made by the court at the same trial, subject to the condition that the total number of hours of work to be done by such person under all or any such Community Service Orders shall not exceed one thousand hours.

Clause 195—contd.

The Clause was considered further and the following amendments were accepted:—

(i) Page 51, for lines 15—19, substitute—

“494. Whoever, being married, marries again where such latter marriage is void by reason of its taking place during the subsistence of the earlier marriage, commits bigamy and shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Explanation 1—In this section, a person shall be deemed to marry again even though such latter marriage—

- (a) has not been celebrated or performed with proper ceremonies and in due form;
- (b) has been celebrated or performed within the degrees of prohibited relationship”;

(ii) Page 51, line 20, for “Explanation”, substitute “Explanation 2”.

The Clause, as amended, was adopted.

Clause 37

The following amendments were accepted:—

(i) Page 13, for lines 23 to 25, substitute “committed by intentional destruction of, or substantial damage to, the property”.

(ii) Page 13, after line 25, insert—

- “(e) hijacking of aircraft, or
- (f) sabotage.”.

The Clause, as amended, was adopted.

Clause 43

The following amendment was accepted:—

Page 16, for lines 31-32, substitute “extend to imprisonment for life or twice the longest term of imprisonment provided for that offence, whichever is less and shall also be liable to fine”.

The Legislative Counsel was, however, authorised to make drafting changes, if necessary.

The Clause, as amended, was adopted.

Clause 50

After detailed discussion, further consideration of the Clause was held over.

Clause 56

The Clause was deleted.

3. The Committee then adjourned at 1.25 P.M. to meet again at 10.30 A.M. on Wednesday, the 24th December, 1975.

XCV**NINETY-FIFTH MEETING**

The Committee met at 11.00 A.M. on Wednesday, the 24th December, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Nageshwar Prasad Shahi
4. Shri Anand Narain Mulla
5. Shri V. V. Swaminathan
6. Shri Shyam Lal Yadav
7. Shri Jagdish Joshi
8. Shri K. P. Singh Deo

Lok Sabha

9. Shri P. Ankineedu Prasadarao
10. Shri Banamali Babu
11. Shri R. V. Bade
12. Shri B. E. Choudhari
13. Shri Khemchandbhai Chavda
14. Shri Tarun Gogoi
15. Shri Dinesh Joarder
16. Shri Z. M. Kahandole
17. Shri F. H. Mohsin
18. Shri Niti Raj Singh Chaudhury
19. Shri Vayalar Ravi
20. Shri Shanker Rao Savant
21. Shri Shambhu Nath
22. Shri B. R. Shukla
23. Shri Ram Shekhar Prasad Singh
24. Shri S. N. Singh
25. Shri R. P. Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 50—contd.

The Clause was adopted subject to the following amendment:—

Page 18, for line 31, substitute "of enmity or hatred".

New Clause 56A

After some discussion, the amendment seeking insertion of the New Clause was withdrawn by the leave of the Committee.

New Clause 66A

The Committee decided to insert the following New Clause after line 22, page 23:—

"66A. After section 166 of the Penal Code, the following section shall be inserted:—

Public servant acting with intent to cause injury to any person.—
 '166A. Whoever, being a public servant, so performs his functions as such public servant as to cause wilfully any injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.'

The Legislative Counsel was authorised to make drafting changes, if necessary.

New Clause 67A

The Committee decided to insert the following New Clause after line 31, page 23:—

"67A. After section 167 of the Penal Code, the following section shall be inserted, namely:—

'167A. Whoever, being a public servant competent to authorise payment on behalf of the Government or other public authority in respect of any contract for the supply of any goods or services, the construction of any building or the

execution of any other work, authorises such payment, knowing:—

- (a) in the case of a contract for the supply of goods or services, that the contractor has supplied goods or rendered services which are less in quantity than, or inferior in quality to, or extent than, those he had contracted to supply or which are, in any manner whatsoever, not in accordance with the contract, or
- (b) in the case of a contract for the construction of a building or the execution of any other work, that the contractor has used materials, which are less in quantity than, or inferior in quality to, those he had contracted to use, or which are, in any manner whatsoever, not in accordance with the contract, shall in the absence of any lawful excuse the burden of proving which shall be on him, be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

Explanation.—In this section, the word ‘public authority’ means—

- (a) a corporation owned or controlled by the Government;
- (b) a local authority’.”

The Legislative Counsel was authorised to make drafting changes, if necessary.

Clause 72

The following amendments were accepted:—

- (i) Page 24, line 6, delete the word and figures “and 177 I”.
- (ii) Page 24, after line 9, add the following:—
 - “(b) In section 171H of the Penal Code, the following explanation shall be added at the end, namely:—

Explanation.—The expenses incurred by a political party in its general propaganda to further the prospect of the candidates set up by it or affect the prospect of the candidates opposing its candidates shall not be construed as an offence within the meaning of this section, although these expenses were incurred without the consent or authority of the candidate concerned”.

The Legislative Counsel was authorised to make drafting changes, if necessary.

The Clause, as amended, was adopted.

New Clause 72A

The Committee decided to insert the following New Clause after line 9, page 24:—

“72A. Section, 171 I of the Penal Code shall be omitted”.

Clause 81

The following amendment was accepted:—

Page 25, lines 27-28, delete the words “even if the action of the public servant is not strictly justified by law”.

The Clause, as amended, was adopted.

Clause 84

The following amendment was accepted:—

Page 26, delete line 6.

The Clause, as amended, was adopted.

Clause 86

The following amendment was accepted:—

Page 26, line 24, after the word “employed” insert “forcible closure of markets, public institutions and suspension of movements of vehicle on public road out of fear generated by such disobedience”.

The Legislative Counsel was authorised to make drafting changes, if necessary.

The Clause, as amended, was adopted.

Clause 87

The Clause was adopted without any change.

Clause 91—confid.

The following further amendment was accepted:—

Page 27, lines 20-21, for the words “a Court of Justice” substitute “a Court of Justice or other competent authority”.

The Clause, as further amended, was adopted.

Clause 95

The following amendment was accepted:—

Page 28, line 18, for the words “kidnapping, abduction” substitute “kidnapping or abduction punishable under sections 363A, 364 and 364A or”.

The Legislative Counsel was authorised to make drafting changes, if necessary.

The Clause, as amended, was adopted.

Clause 98

The following amendment was accepted:—

Page 29, delete lines 1—12.

The Clause, as amended, was adopted.

Clause 113

The Clause was adopted without any change.

Clause 121—contd.

The following further amendment was accepted:—

Page 33, delete lines 7—16.

The Clause, as further amended, was adopted.

Clause 185

The Clause was reopened and the following amendment was accepted in lieu of the amendment accepted earlier.

Page 49, line 10, after the word "authority" insert "to adopt a person".

Clause 1

The following amendment was accepted:—

Page 1, line 4, for the figures "1972" substitute "1975".

Enacting Formula and the Title

The following amendment was accepted:—

Page 1, line 1, for the words "Twenty-third" substitute "Twenty-sixth".

3. The Committee then adjourned at 1.05 P.M. to meet again at 4.00 P.M. on Friday, the 26th December, 1975.

XCVI**NINETY-SIXTH MEETING**

The Committee met at 4.00 P.M. on Friday, the 26th December, 1975.

MEMBERS PRESENT*Rajya Sabha*

1. Shri Yogendra Sharma—*Chairman*
2. Shri Sasankasekhar Sanyal
3. Shri Anand Narain Mulla
4. Shri V. V. Swaminathan
5. Shri Jagdish Joshi
6. Shri Kalp Nath
7. Shri K. P. Singh Deo

Lok Sabha

8. Shri P. Ankineedu Prasadarao
9. Shri Banamali Babu
10. Shri R. V. Bade

11. Shri B. E. Choudhari
12. Shri Khemchandbhai Chavda
13. Shri Tarun Gogoi
14. Shri Dinesh Joarder
15. Shri Z. M. Kahandole
16. Shri Yamuna Prasad Mandal
17. Shri F. H. Mohsin
18. Shri Ram Shekhar Prasad Singh
19. Shri R. P. Yadav.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee authorised the Legislative Counsel to carry out changes of minor and consequential nature, if necessary, in the Bill.

3. The Committee decided to meet on Thursday, the 22nd January, 1976 to consider the draft Report and the Bill, as amended.

4. The Committee then adjourned at 4.30 P.M. to meet again at 3.00 P.M. on Thursday, the 22nd January, 1976.

XCVII

NINETY-SEVENTH MEETING

The Committee met at 3.00 P.M. on Thursday, the 22nd January, 1976.

MEMBERS PRESENT

Rajya Sabha

1. Shri Yogendra Sharma—*Chairman*.
2. Shrimati Sumitra G. Kulkarni
3. Shri Shyam Lal Yadav
4. Shri Jagdish Joshi
5. Shri Nathi Singh
6. Shri Ram Niwas Mirdha

Lok Sabha

7. Shri P. Ankineedu Prasadarao
8. Shri R. V. Bade
9. Shri G. C. Dixit
10. Shri Dinesh Joarder
11. Shri F. H. Mohsin

12. Shri Niti Raj Singh Chaudhury
13. Shri Shanker Rao Savant
14. Shri Shambhu Nath
15. Shri Ram Shekhar Prasad Singh
16. Shri S. N. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Home Affairs

Shri S. Balakrishnan, Joint Secretary.

Ministry of Law and Justice

Shri V. S. Bhashyam, Additional Legislative Counsel.

Shri C. R. Menon, Deputy Legislative Counsel.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee considered the Bill, as amended, and adopted the same.

3. The Committee then took up consideration of the draft Report of the Committee and adopted the same with some minor changes.

4. The Committee decided that the Minutes of Dissent, if any, should be sent to the Rajya Sabha Secretariat latest by the 28th January, 1976.

5. The Committee decided that whole of the oral evidence tendered before it may be laid on the Table of both the Houses.

6. The Committee authorised the Chairman and in his absence, Shri Shyam Lal Yadav or Shri Sasankasekhar Sanyal to present the Report on its behalf and to lay the evidence on the Table of the Rajya Sabha after the presentation of the Report. The Chairman informed the members that the report would be presented to the Rajya Sabha on the 29th January, 1976.

7. The Committee also authorised Shri B. R. Shukla and in his absence, Shri Niti Raj Singh Chaudhary or Shri R. V. Bade to lay the Report of the Committee and the evidence on the Table of the Lok Sabha.

8. Members expressed their appreciation and thanks to the Chairman for the able manner in which he conducted and guided the deliberations of the Committee at various stages of the Bill.

9. The Chairman thanked the Members of the Committee for the keen interest taken by them in the working of the Committee and the co-operation extended to him by them. On behalf of the Committee and on his own behalf he also thanked Officers of the Ministry of Law and Justice (Legislative Department) and the Ministry of Home Affairs and the Officers and staff of the Rajya Sabha Secretariat for the co-operation and assistance rendered by them to him and the Committee in its deliberations.

10. The Committee then adjourned at 3.30 P.M.