

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:1439  
ANSWERED ON:09.08.2011  
BILL FROM UTTAR PRADESH  
Mani Shri Jose K.

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government of Uttar Pradesh has submitted "The Code of Criminal Procedure (Uttar Pradesh Amendment) Bill, 2010" for the approval of Union Government;
- (b) if so, the details thereof and the salient features thereof; and
- (c) the time by which such bill is likely to be approved?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a): Yes, Madam.

(b): The Bill seeks to amend the Code of Criminal Procedure, 1973 (Act No.2 of 1974) in its application to Uttar Pradesh to revive section 438 of the said Code with modifications which was omitted by the Code of Criminal Procedure (Uttar Pradesh Amendment) Act, 1976. The proposed amendment, inter-alia, mandates the presence of the applicant seeking anticipatory bail in the Court at the time of final hearing and passing of final order by the Court.

(c): the State Legislations are examined from three angels viz.

- i. Repugnancy with Central Laws,
- ii. Deviation from National or Central Policy, and
- iii. Legal and Constitutional validity.

Whenever necessary, the concerned State Governments are advised to modify/amend provisions of such legislations keeping the above in view. With a view to expeditiously arriving at a decision, discussions are also held with State Governments and concerned Ministries/Departments of the Government of India. Hence no time-frame can be fixed in this behalf.