

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3371  
ANSWERED ON:23.08.2011  
NON BAILABLE PROVISION OF SECTION  
Rama Devi Smt.

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

- (a) whether the Bihar Government has requested the Union Government to repeal the non-bailable provision of section 353 of the Indian Penal Code (IPC);
- (b) if so, the details thereof; and
- (c) the action taken by the Union Government in this regard alongwith the outcome thereof?

**Answer**

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

(a): Yes, Madam.

(b): The Bill seeks to substitute the word "non-bailable" with the word "bailable" in the First Schedule of the Code of Criminal Procedure 1973 (Act 2 of 1974) in column-5 against section 353.

(c): The State Legislations are examined from three angles 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 Government and concerned Ministries/Departments of the Government of India.