

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4196
ANSWERED ON:20.12.2011
AMENDMENT IN IPC
Rama Devi Smt.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether amendment to section 353 of the Indian Penal Code (IPC) as proposed by the Government of Bihar is unduly delayed;
- (b) if so, the details thereof alongwith the reasons for the delay; and
- (c) the present status thereof?

Answer

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

(a) to (c): No, Madam. The Code of Criminal Procedure (Bihar Amendment) Bill, 2011 as passed by the State Legislature of Bihar and reserved by the Governor of Bihar for assent of the President was received in the Ministry of Home Affairs on 9.6.2011. 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. 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. Upon request, the State Government vide letter dated 12.10.2011 has provided an updated copy of Criminal Procedure (Amendment) Act, 2005 (Act 25, 2006).