

JOINT SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1923

The Code of Criminal Procedure (Amendment) Bill

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1923.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Cotton Transport Bill.	15.1.23.	} Reports of the Joint Committee
2.	The Cantonment (House Accommodation) Amendment Bill.	15.1.23.	
3.	The Indian Boilers Bill.	15.1.23.	
4.	The Indian Mines Bill.	16.1.23.	
5.	The Workmen's Compensation Bill.	24.1.23.	
6.	The Indian Official Secrets Bill.	31.1.23.	
7.	The Married Women's Property Bill by Mr. B.S. Kamet.	8.2.23.	
8.	The Indian Penal Code (Amendment) Bill (White Slave Traffic)	8.2.23.	
xxxxxx The Indian Cotton Cess Bill by Mr. T.V. Seshagiri Ayyar			
9.	The Indian Cotton Cess Bill.	14.7.23.	-do-
10.	The Code of Civil Procedure (Amendment) Bill by Dr. Hari Singh Gour.	20.2.23.	
11.	The Hindu Law of Inheritance (Amendment) Bill by Mr. T.V. Seshagiri Ayyar.	14.3.23.	No Copy available
12.	The Exclusion from Inheritance Bill by Mr. T.V. Seshagiri Ayyar.	14.3.23.	
13.	The Code of Criminal Procedure (Amendment) Bill (Sec.4) By Mr. Abul Kasem.	14.3.23.	
14.	The Civil Marriage (Amendment) Bill by Dr. Hari Singh Gour.	14.3.23.	
15.	The Mussalman Wakf Registration Bill by Mr. Abul Kasem.	15.3.23.	
16.	The Abolition of Transportation Bill.	3.7.23.	
17.	The Indian Stamp (Amendment) Bill.	10.7.23.	
18.	The Indian Naturalization Bill.	10.7.23.	
19.	The Land Acquisition (Amendment) Bill.	16.7.23.	
20.	The Cantonments Bill.	18.7.23.	
21.	The Code of Civil Procedure (Amendment) Bill by Lala Girdhari Lal Agarwal.	24.7.23.	
22.	The Legal Practitioners Bill by Mr. K.C. Neogy.	24.7.23.	
23.	The Illegitimate Sons' Rights Bill. by Mr. V.K. Peddi Guru.	27.7.23.	

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill further to amend

1. Paper No. I (Opinions from Baluchistan, Delhi, Punjab and Coorg).
2. Paper No. II (Opinions from Burma, Bengal, Central Provinces and Assam).
3. Paper No. III (Opinions from Bengal (Calcutta High Court), Madras, Bihar and Orissa, North-West Frontier Province and Ajmer-Merwara).
4. Paper No. IV (Opinion from United Provinces).
5. Paper No. V (Opinion from Bombay).

the Code of Criminal Procedure, 1898, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with

the Bill as amended by us annexed thereto.

2. We observe that the Bill as drafted does not differentiate between a mukhtar holding a certificate under the Legal Practitioners Act, 1879, and a person belonging to the class commonly called "mukhtars" who practise with the permission of the Court in Bombay and other places on the same footing as an ordinary layman permitted by the Court to act in a proceeding. We think it essential to make it clear that the Bill is only intended to refer to properly certificated mukhtars and propose to effect this by inserting the words "or a mukhtar" after the words "means a pleader" in section 4 (1) (r) of the Code of Criminal Procedure, 1898, and by omitting the words "mukhtar or" in sub-clause (2) of clause (r).

Under sections 6 and 7 of the Legal Practitioners Act, 1879, the High Court will now have to decide, as we believe it already does in most Provinces, the particular courts or classes of courts in which each mukhtar shall be entitled to practise. In regard to certificates which are in force when the Bill becomes law, we realise that it will not be possible in Provinces where no differentiation has been made in this respect between mukhtars of varying qualifications immediately to limit the scope thereof in the case of those with inferior qualifications. On the expiry, however, of the year for which a certificate has been granted, it will be possible for the High Court in such a Province to inaugurate a system of differentiation under the second paragraph of section 7 of the Legal Practitioners Act, 1879.

We observe that when this Bill becomes law, the words "any person subject to the Code of Criminal Procedure," in section 9 of the Legal Practitioners Act, 1879, will become surplusage.

We have, in addition to the alteration above mentioned, made some purely drafting alterations in the Preamble and in clause 1.

3. The Bill was published as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	4th February, 1922.
Fort Saint George Gazette	14th February, 1922.
Bombay Government Gazette	27th April, 1922.
Calcutta Gazette	22nd February, 1922.
United Provinces Gazette	18th February, 1922.
Punjab Government Gazette	17th February, 1922.
Burma Gazette	1st April, 1922.
Central Provinces Gazette	18th February, 1922.
Assam Gazette	15th February, 1922.
Bihar and Orissa Gazette	29th March, 1922.
Coorg District Gazette	1st March, 1922.
Sind Official Gazette	4th May, 1922.
North-West Frontier Gazette	21st July, 1922.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	11th April, 1922.
	Telugu	18th April, 1922.
	Hindustani	18th April, 1922.
	Kannaree	11th April, 1922.
	Malayalam	11th April, 1922.
	Criya	18th April, 1922.

Bombay	Marathi	27th April, 1922.
	Gujarathi	27th April, 1922.
	Kanare-e	27th April, 1922.
Punjab	Urdu	28th April, 1922.
Burma	Burmese	8th April, 1922.
Cocrg	Kanarese	1st May, 1922.
Sindh	Sindhi	4th May, 1922.

4. We think that the Bill has not been so altered as to require re-publication, and recommend that it be passed as now amended.

ABUL KASEM.

W. M. HAILEY.

J. N. MUKHERJEE.

C. S. SUBRAHMANYAM.

TARAPROSANNA MUKHERJEE.

K. C. NEOGY.

T. RANGACHARIAR.

J. CHAUDHURI.

GIRDHARILAL AGARWALA.

DELHI: }
The 12th March, 1923. }

(Words printed in italics indicate the amendments suggested by the Committee.)

A

BILL

Further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient to give to mukhtars *the right to practise in certain Criminal Courts* and further to amend the Code of Criminal Procedure, 1898, for that purpose; It is hereby V of 1898. enacted as follows :--

1. This Act may be called the Code of Criminal Procedure (*Further Amendment*) Act, 1923.
Short title.
2. In clause (r) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898, after the V of 1898. words "*means a pleader*" the words "*or a mukhtar*" shall be inserted, and the words "*mukhtar or*" shall be omitted.
Amendment of section 4, Act V of 1898.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the
Bill further to amend the Code of
Criminal Procedure, 1898, with the
Bill as amended.