

ment) Rules, 1983 published in Notification No. G.S.R. 455 in Gazette of India dated the 25th June, 1983. [Placed in library. See No. LT—6712/83].

(3) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 148 of the Delhi Police Act, 1978 :—

(i) The Delhi Police Appointment and Recruitment (Amendment) Rules, 1983 published in Notification No. F.5/15/82-Home(P) in Delhi Gazette dated the 2nd May, 1983.

(ii) The Delhi Police (Promotion and Confirmation) Amendment Rules, 1983 published in Notification No. F.10/31/31/-Home(P) in Delhi Gazette dated the 10th May, 1983.

(iii) The Delhi Eating Houses Registration (Amendment) Regulations, 1982 published in Notification No. 515/Spl. Cell in Delhi Gazette dated the 20th May, 1983. [Placed in library. See No. LT—6313/83]

(4) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951 :—

(i) The Indian Forest Service (Probationers' Final Examination) Amendment Regulations, 1983 published in Notification No. G.S.R. 361(E) in Gazette of India dated the 2nd May, 1983.

(ii) The Indian Administrative service (Fixation of Cadre Strength) Fifth Amendment Regulations, 1983 published

in Notification No. G.S.R. 446(E) in Gazette of India dated the 24th May, 1983.

(iii) The Indian Administrative Service (Pay) Forth Amendment Rules, 1983 published in Notification No. G.S.R. 447(E) in Gazette of India dated the 24th May, 1983.

(iv) The Indian Forest Service (Pay) Second Amendment Rules, 1983 published in Notification No. G.S.R. 479(E) in Gazette of India dated the 9th June, 1983. [Placed in library. See No. LT—6714/83]

12.30 hrs.

COMMITTEE ON PRIVATE
MEMBERS' BILLS AND
RESOLUTIONS SIXTIETH
REPORT

SHRI SETH HEMBROM (Rajmahal) : I beg to present the Sixtieth Report (Hindi and English versions) of the Committee on Private Members' Bills and Resolutions.

STATEMENT CORRECTING REPLY
GIVEN ON 4TH MAY, 1983 TO A
SUPPLEMENTARY ON S.Q. NO. 874
ABOUT SUPREME COURT'S DIREC-
TION REGARDING LIFE CONVICTS
RELEASE ON GOOD CONDUCT

THE MINISTER OF HOME AF-
FAIRS (SHRI P.C. SETHI):

During supplementaries to the above mentioned Starred Question, Shri Atal Bihari Vajpayee had raised the following issue:—

(i) whether it is not true that life imprisonment meant imprison-
ment for 14 years;

(ii) if so, why the prisoners who had completed 14 years of imprisonment are still lodged in many jails because State Governments were not prepared to take any steps in this regard;

(iii) whether Government of India have issued any instructions to the States and whether the instructions were quite clear or not?

The answer given in reply to the above supplementary questions was as under :

"The Central Government has issued clear directives to the State Governments that life convicts who have completed their sentence should be released forthwith. Some of the State Governments have acted on these instructions but some of the States are delaying action on this and we are again drawing their attention to this matter."

The correct position in respect of the above mentioned supplementary questions is indicated below :

Section 57 IPC provides that for the purpose of calculating fraction of terms of imprisonment, imprisonment for life shall be reckoned as equivalent to imprisonment for 20 years. The provision is meant for calculating fractions of terms of imprisonment. It does not imply that life imprisonment is imprisonment for 20 years. The legal position in this regard has been propounded by the Supreme Court in A.I.R. 1976 SC 1552, wherein the Court has held that the sentence for life would endure till the life time of the accused and that the convicted person is not entitled to be released as of right on completing the term of 20 years, including remissions. The Court also held that the power to release a person after 20 years of imprisonment including remissions has to be exercised by the appro-

priate Government under the provisions of section 432 or section 433 Cr. P.C. in each case, when a person sentenced to life imprisonment has to be released.

The Joint Committee of both the Houses of Parliament on the Indian Penal Code (Amendment) Bill, 1972, observed in its report that due to grant of remission murderers sentenced or commuted to life imprisonment were often released at the end of 5 to 6 years and suggested that in such cases the convict should not be released unless he had served at least 14 years of actual imprisonment. In the light of the recommendations of the Joint Committee, Section 433A was inserted in Cr. P.C. It provides that where a person is sentenced to imprisonment for life for an offence for which death is one of the punishments provided by law or where sentence of death has been commuted to imprisonment for life, he shall not be released from prison, unless he has served at least 14 years of imprisonment. The Supreme Court in *Miru Ram etc. etc. Vs. Union of India* (A.I.R. 1980 SC 2147) upheld the validity of the provision but observed that the provision of this section would not apply to cases which were decided by the trial court before 18th December, 1978 i.e. when Section 433A came into force.

Thus in cases prior to 18 December 1978, the State Government can release a life convict according to its remission rules. In cases covered by Section 433A remissions can be considered by State Governments under Section 432 or Section 433 Cr. P.C. only after the convict has served 14 years of actual imprisonment.

There is, however, no restriction on the exercise of constitutional powers of reprieve, remission etc. vested in the President/Governor under Articles 72/161.

The State Governments/Union Territory Administrations who had been explained this position are again being

addressed and requested to complete the view of cases of life convicts in the light of the judgement of the Supreme Court without further delay.

Shankar Mishra resigned from the Committee."

MR. DEPUTY-SPEAKER : The question is :

"That in pursuance of sub-section (2) of Section 4 of the Official Languages Act, 1963, the members of Lok Sabha do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, one member from amongst themselves to be a member of the Committee on Official Language vice Shri Gargi Shankar Mishra resigned from the Committee."

The motion was adopted.

12.33 hrs.

BUSINESS ADVISORY COMMITTEE (Forty-Sixth Report)

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, SPORTS AND
WORKS AND HOUSING (SHRI BUTA
SINGH) : I beg to move the follow-
ing:—

"That this House do agree with the Forty-sixth Report of the Business Advisory Committee presented to the House on the 26th July, 1983."

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Forty-sixth Report of the Business Advisory Committee presented to the House on the 26th July, 1983."

The motion was adopted.

12.34 hrs.

ELECTION TO COMMITTEE (Committee on Official Language)

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
(SHRI NIHAR RANJAN LASKAR) :
I beg to move :

"That in pursuance of sub-section (2) of Section 4 of the Official Languages Act, 1963, the members of Lok Sabha do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, one member from amongst themselves to be a member of the Committee on Official Language vice Shri Gargi

12-35 hrs.

MATTERS UNDER RULE 377

- (i) Need for Clearance of Third and Fourth Units of Raichur Thermal Power Project by Central Government to overcome power shortage in Karnataka.

SHRI B.V. DESAI (Raichur) :
Sir, the third and fourth units of the Raichur Thermal Power Project in Karnataka which was promised by the Centre to clear it early, has been considerably delayed by the Centre. The State Government, in the absence of it, is facing great power shortage and also the State is being put to great inconvenience due to the irregular monsoons.

I would like to state that the State of Karnataka for the last two years has been facing great shortage of power and drought conditions. The neighbouring States of Maharashtra, Andhra and even Kerala have not provided sufficient power to the State to meet its needs, so much so the State had to impose power cut to the extent of 100 per cent.

If the decision of the Central Go-