

ACCTS. OF INDIAN SCHOOL OF MINES,
DHANBAD FOR 1970-71, A STATEMENT
AND AUDITED REPORT ON THE ACCTS.
OF NCERT FOR 1970-71

THE DEPUTY MINISTER IN THE
MINISTRY OF EDUCATION AND
SOCIAL WELFARE AND IN THE
DEPARTMENT OF CULTURE
(SHRI D. P. YADAV): I beg to lay on
the Table:—

- (1) (i) A copy of the Certified Accounts of the Indian School of Mines, Dhanbad, for the year 1970-71 along with the Audit Report thereon.
(ii) A statement (Hindi and English versions) showing (i) reasons for delay in laying the above Accounts, and (ii) for not laying simultaneously the Hindi version thereof. [Placed in Library. See No. LT-6121/73]
- (2) A copy of the Audited Report (Hindi and English versions) on the accounts of the National Council of Educational Research and Training, for the year 1970-71, [Placed in Library. See No. LT-6122/73].

12.32 hrs.

AMENDMENT TO DIRECTIONS BY
THE SPEAKER

SECRETARY-GENERAL: I beg to lay on the Table a copy of an amendment to Directions made by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha.

12.32½ hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary General of Rajya Sabha:—

- (i) "In accordance with the provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 18th De-

cember, 1973, agreed to the enclosed amendments made by the Lok Sabha at its sitting held on the 12th December, 1973, in the Code of Criminal Procedure Bill, 1972."

- (ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 4 Bill, 1973 which was passed by the Lok Sabha at its sitting held on the 17th December, 1973 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

Enclosure

CODE OF CRIMINAL PROCEDURE BILL,
1972

*Text of the Amendments adopted by
Lok Sabha*

Enacting Formula

Page 1, line 1, for "Twenty third",
substitute "Twenty-fourth"

Clause 1

Page 1, line 5, for "1972", substitute
"1973".

Page 1, for lines 8 to 11, and page
2, for lines 1 to 4 substitute—

"Provided that the provisions of this Code, other than those relating to Chapters VIII, X and XI thereof, shall not apply:—

(a) to the State of Nagaland,

(b) to the tribal areas,

but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications as may be specified in the notification".

Page 2, line 10, for "1st day of July, 1973" substitute "1st day of April, 1974".

[Secretary General]

Clause 3

Page 4, line 4,—

for "any", substitute "an".

Page 4, line 5,—

omit "and".

Clause 6

Page 5, line 22,—

for "Magistrate", substitute "Magistrates".

Clause 7

Page 5, line 30,—

for "division and district", substitute "divisions and districts".

Clause 8

Page 6, line 10,—

for "exclusion", substitute "reduction".

Clause 9

Page 6, line 23,—

before "other", insert "the"

Clause 15

Page 8, line 6,—

for "or", substitute "or give".

Clause 25

Page 10, line 28,—

for "as" substitute "as an".

Clause 76

Page 22, after line 35, insert—

"Provided that such delay shall not in any case, exceed twenty four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court."

Clause 92

Page 28, line 13,—

for "of a", substitute "of a District Magistrate".

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Clause 94

Page 28, line 42,

omit "his".

Clause 107

Page 33, line 32,—

omit "with or without sureties".

Clause 109

Page 34, in the marginal heading,

omit "vagrant and"

Clause 116

Page 36, line 11,—

for "pending" substitute "After the commencement and before"

Clause 122

Page 38, line 1,—

for "(1)" substitute "(1) (a)".

Page 28, after line 7,—

insert—

"(b) If any person after having executed a bond without sureties for keeping the peace in pursuance of an order of a Magistrate under section 117, is proved, to the satisfaction of such Magistrate or his successor in office, to have committed breach of the bond, such Magistrate or successor in office, may, after recording the grounds of such proof, order that the person be arrested and detained in prison until the expiry of the period of the bond and such order shall be without prejudice to any other punishment or forfeiture to which the said person may be liable in accordance with law."

Clause 125

Page 40, line 28, after "child"

add "if married".

Page 40, line 29,

for "sub-section" substitute—"chapter"

[Secretary General]

Clause 126

Page 41, line 33,—

(i) for "whether", substitute "where"

(ii) for "raised" substitute resided"

Page 41, line 36,—

for "husband, father, mother or child, as the case may be, "substitute" "person against whom an order for payment of maintenance is proposed to be made"

Page 41, line 39, for "husband, father, mother or child", substitute "person against whom an order for payment of maintenance is proposed to be made."

Clause 127

Page 42,—

for lines 19 to 23,—

substitute—

"(3) Where any order has been made under section 125 in favour of a woman who has been divorced by, or has obtained a divorce from her husband, the Magistrate shall, if he is satisfied that—

(a) the woman has, after the date of such divorce, re-married, cancel such order as from the date of her remarriage;

(b) the woman has been divorced by her husband and that she has received, whether before or after the date of the said order, the whole of the sum which, under any customary or personal law applicable to the parties, was payable on such divorce, cancel such order,—

(i) in the case where such sum was paid before such order, from the date on which such order was made.

(ii) in any other case, from the date of expiry of the period, if any, for which maintenance has been actually paid by the husband to the woman.

(c) the woman has obtained a divorce from her husband and that she had voluntarily surrendered her rights to maintenance after her divorce, cancel, the order from the date thereof."

Clause 147

Page 51, line 16,—

omit "of section 147".

Page 51, lines 17-18,—

omit "of section 147".

Clause 151

Page 52,—

for lines 5 to 7 substitute

"(2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty-four hours from the time of his arrest unless his further detention is required or authorised under any other provisions of this Code or of any other law for the time being in force."

Clause 162

Page 54,—

for the marginal heading

substitute "Statements to police not to be signed: use of statement in evidence"

Page 54, line 40,—

for the word "no" substitute—

"Shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any"

Page 54, line 41,—

for "and no" substitute—"or any"

Page 54, line 42,—

omit "shall"

Page 55, line 15,—

omit "of this section"

Clause 167

Pages 57 and 58,—

for lines 46 to 51 and 1 to 5 respectively, substitute—

"(a) the Magistrate may authorise detention of the accused person, otherwise than in custody of the police, beyond the period of fifteen days if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in

custody under this section for a total period exceeding sixty days, and on the expiry of the said period of sixty days, the accused person shall be released on bail if he is prepared to and does furnish bail; and every person released on bail under this section shall be deemed to be so released under the provisions of Chapter XXXIII for the purpose of that Chapter".

Page 58, *after* line 10, *insert*

"*Explanation*—If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention".

Clause 196

Page 67,—

for the exiting marginal heading, *substitute*—

"Prosecution for offences against the State and for criminal conspiracy".

Clause 197

Page 68, line 6, *for* "shall" *substitute* "shall take"

Clause 202

Page 71, line 7,—

for "offence" *substitute* "offence of"

Clause 208

Page 73, in the marginal heading, *for* "complaint case" *substitute* "other cases"

Clause 210

Page 74,—

for the existing marginal heading, *substitute*—

"Procedure to be followed when there is a complaint case and police investigation in respect of the same offence."

Clause 220

Page 79, line 13,—

omit "Illustrations to sub-section (4)".

Page 79,—

after line 17,—

insert—"Illustration to sub-section (4)".

Clause 228

Page 81, line 34,—

after "he may," *insert*—

"frame a charge against the accused and,".

Page 81, line 43,—

for "offence", *substitute*—

"offence charged".

Clause 229

Page 81, in the marginal heading,

for "plea of guilty", *substitute*

"Conviction on plea of guilty".

Clause 235

Page 82,—

in the marginal heading,

for "Judgments" *substitute*—

"Judgment of acquittal or conviction".

Clause 261

Page 90,—

for the existing marginal heading, *substitute*—

"Summary trial by magistrate of the second class".

Clause 262

Page 90, in the marginal heading,

omit—

"for summons and warrant Cases applicable".

Clause 275

Page 93, line 8,—

after "himself", *insert*—

"or by his dictation in open court".

[Secretary General]

Clause 276

Page 93, line 22, *after* "himself", *insert*—"or by his dictation in open court".

Clause 281

Page 94, line 35, *for* "Magistrate" *substitute*—

"presiding Judge or Magistrate".

Clause 284

Page 95, line 20,—

after "Governor of a State", *insert*—"or the Administrator of a Union territory".

Clause 294

Page 98,—

for the marginal heading—

Substitute—"No formal proof of certain documents".

Clause 300

Page 100, line 25,—

for "the" *substitute* "this".

Clause 314

Page 105,—

for the marginal heading, *substitute*—"Oral arguments and memorandum of arguments".

Clause 320

(i) Page 110, in line 22,—

for "(4)", *substitute*: "(4)(a)".

(ii) Page 110,—

after line 25, *insert*—

"(b) When the person who would otherwise be competent to compound an offence under this section is dead, the legal representative, as defined in the Code of Civil Procedure, 1908, of such person may, with the consent of the Court, compound such offence".

Clause 321

Page 111, lines 16—18,—

for the words "its permission" occurring at two places, *substitute* "consent".

Clause 344

Page 117, line 36,—

for "in the course of" *substitute* "at the time of delivery of".

Clause 351

Page 119, in the marginal heading,—

for "in contempt cases" *substitute* "under sections 344, 345, 349 and 350"

Clause 360

Page 123, in the marginal heading,—

for "instead of sentencing to imprisonment" *substitute* "or after admonition".

Page 123, line 47,—

for "more" *substitute* "less"

Clause 363

Page 126, line 7,—

for "give", *substitute* "give it".

Clause 374

Page 127, line 38,—

after the word "Judge" *insert*—"or on a trial held by any other court in which a sentence of imprisonment for more than seven years has been passed,"

Page 127, line 39,—

for the words "Any person", *substitute*—"Save as otherwise provided in sub-section (2), any person".

Clause 376

Page 128, line 32,—

for "a payment", *substitute* "payment".

Clause 378

Page 129, line 12,—

for "to appeal", *substitute* "to present an appeal".

Page 129, line 20,—

for "to appeal", *substitute*—"to present an appeal".

Page 129, line 28,—

for "leave", substitute "Special leave".

Page 129, line 34,—

for "leave", substitute "special leave".

Page 129, line 35,—

after "sub-section (1)"
add—"or under sub-section (2)".

Clause 379

Page 129, for the existing marginal heading,—

substitute "Appeal against conviction by High Court in certain cases".

Clause 381

Page 130, line 11,—

for "or, substitute "or a".

Clause 384

Page 130, line 35,—

for "inconvenience", substitute—"such inconvenience as would be".

Page 130, line 43,—

after "Session or", insert "of the"

Clause 385

Page 131, line 20,—

for "court" substitute "that Court".

Clause 394

Page 134, line 16,—

for the word "or",
substitute "or of".

Clause 395

Page 134, line 35,—

for "the State concerned",
substitute "a state".

Clause 397

Page 135,—

for the existing marginal headings,
—substitute "Calling for records to exercise powers of revision".

Clause 401

Page 136, line 34,—

omit the word "thereto".

Clause 405

Page 137,—

line 29 and also in the marginal heading,—

omit "or Magistrate".

Clause 408

Page 140, lines 3-4,—

for "direct (a) "substitute "order".

Page 140,—

omit lines 6 and 7.

Clause 409

Page 140, line 17,—

for "case" substitute "case or appeal".

Page 140,—

for line 18,—

substitute" case or appeal which he has made over to, any Assistant Sessions Judge or Chief Judicial Magistrate Subordinate".

Clause 428

Page 145, line 19,—

for "accused", substitute—
"accused person".

Page 145, line 20,—

after the words "by him" add—
during the investigation, inquiry or trial of the same case and".

Clause 435

Page 147,—

in the marginal heading, for "with the concurrence of ", substitute "after consultation with".

Clause 437

Page 148, line 28,—

after the word "Court" insert—
"other than the High Court of Session".

Clause 438

Page 149, line 43,—

for "an officer of the police" substitute "a police officer".

Clause 457

Page 155, line 19,—

for "appear", substitute—
"to appear",

Page 160, in the marginal heading,—

omit "in respect of petition writers".

Clause 478

Page 161,—

for the existing marginal headings, substitute—

“Power to alter functions allocated to Judicial and Executive Magistrates in certain cases”.

THE FIRST SCHEDULE

Page 167, line 25 and page 168, line 15, against sections 124A and 129, in column 4,—

for “Cognizable”, substitute “Ditto”.

Page 168, line 21, against section 131, in column 5,—

for “Ditto”, substitute “Non-bailable”.

Page 171, line 5, against section 153A, in column 2,—

for “places”, substitute “place”.

Page 171, line 25, against section 160, in column 4,—

for “Cognizable”, substitute “Ditto”.

Page 173, line 22, against section 172, in column 2,—

for “order”, substitute “other”.

Page 175, lines 10-11, against section 177,—

for “Imprisonment for 6 months, or fine of 1,000 rupees, or both”, substitute “Ditto”.

Page 175, lines 20-21, against section 179,—

for “Simple imprisonment for 6 months, or fine of 1,000 rupees, or both”, substitute “Ditto”.

Page 176, against section 185, in column 2,—

(i) line 12, for “legal”, substitute “a legal”

(ii) line 15,—

for “obligations” substitute “obligations incurred”.

Page 180, line 23, against section 213, in column 3,—

for “years”, substitute “years and fine”.

Page 181, line 14, against section 215, in column 2,—

for “of”, substitute “by”.

Page 181, line 22, against section 216, in column 2,—

for “not”, substitute “not for”

Page 183, lines 16-17, against section 225, in column 3,—

for “Imprisonment for 2 years, or fine, or both”, substitute “Ditto”

Page 184, line 24, in the heading of Chapter XII,—

for “Coins”, substitute “Coin”.

Page 186, line 15, against section 246, in column 2,—

for “weight”, substitute “the weight”.

Page 187, line 16, against section 256, in column 3,—

for “years”, substitute “years and fine”.

Page 189, lines 21-22, against 276, for “Imprisonment for 6 months, or fine of 1,000 rupees, or both”, substitute “Ditto”.

Page 191, line 11, against section 292, in column 3,—

for “offence”, substitute “conviction”.

Page 191, line 14, against section 293, in column 3,—

for “Ditto”, substitute “On first conviction, with imprisonment for 3 years, and with fine of 2,000 rupees, and in the event of second or subsequent conviction, with imprisonment for 7 years, and with fine of 5,000 rupees”.

Page 191, line 15, against section 294, in column 6,—

for “Any Magistrate”, substitute “Ditto”.

Page 196, line 15, against section 345, in column 4,—

for “Cognizable”, substitute “Ditto”.

Page 199, line 7, against section 374, in column 4,—
for "Cognizable", substitute "Ditto".

Page 200, line 20, against section 388, in column 2,—
for "or", substitute "of".

Page 206, line 9, against section 440, in column 3,—
for "3", substitute "5"

Page 210, line 22, against section 482,—

(i) in column 4,—
for "Non-cognizable", substitute "Ditto".

(ii) in column 5,—
for "Bailable", substitute "Ditto."

Page 212, line 4, against section 489D,—

for "possessing instrument" substitute "possessing machinery, instrument".

Page 214, line 24, against section 504,—

for "3", substitute "2".

Page 214, line 24, against section 505,—

for "2" substitute "3".

THE SECOND SCHEDULE

Page 222, line 9, FORM No. 11,—
for "seals", substitute "seals, or".

Page 223, line 30, FORM No. 15,—
for "Offier", substitute "Officer".

Page 226, after line 30, FORM No. 20,—

insert "Or".

Page 229, line 15, FORM No. 25,—
for "to decide" substitute "do decide".

12.34 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS MINUTES

SHRI AMAR NATH CHAWLA (Delhi Sadar) : I beg to lay on the Table Minutes of the Thirty-second to Thirty-fifth sittings of the Committee on Private Members' Bills and Resolutions held during the current session.

JOINT COMMITTEE ON OFFICES OF PROFIT

SEVENTH REPORT

SHRI PATTABHI RAMA RAO (Rajamundry) : I beg to present the Seventh Report of the Joint Committee on Offices of Profit.

12.35 hrs.

ESTIMATES COMMITTEE

FORTY-EIGHT-REPORT

SHRI K. N. TIWARY (Bettiah) : I beg to present the Forty-eighth Report of the Estimates Committee regarding action taken by Government on the recommendations contained in their Twenty-fourth Report on the Ministry of Finance—Revision of the form and contents of the Demands for Grants.

श्री मधु लियये (बांका) : उपाध्यक्ष महोदय, यह बहुत ही महत्वपूर्ण रपट सदन के सामने रखी गई है, जो "रिविजन आफ दि फार्म एंड कन्टेन्ट्स आफ दि डिमांड्स फार ग्रान्ट्स" के बारे में है।

मैंने 19 दिसम्बर को प्रधान मंत्री से यह सवाल पूछा था :

"Purchase of Sophisticated Electronic Gadgetry from U.S.A. and Japan to spy on Political Rivals

Will the PRIME MINISTER be pleased to state :

- (a) whether the attention of the Government has been drawn to news-item in Far Eastern Economic Review 6th August, 1973, in which it had been stated that huge amounts of cash have been spent by the Government in Japan and the United States to purchase sophisticated electronic gadgetry to be used to spy on political rivals within the country;