CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—*contd.*

Clauses 61 to 65

Mr. Deputy-Speaker: Now, the House will take up consideration of the other clauses.

Shri S. V. Ramaswamy (Salem): Sir, on a point of order.

Mr. Deputy-Speaker: Point of order to my getting up?

Shri S. V. Ramaswamy: No, Sir; this is with regard to the clauses which have been passed already.

Mr. Deputy-Speaker: Hon. Member ought not to interrupt me like this. Let me say what the House is to proceed with; then he can raise the point of order. The House will now proceed with consideration of clauses 61 to 65. Such of the amendments as hon. Members would like to move may be communicated to the Secretary within 15 minutes. Hon. Members may hand over in slips the numbers of amendments, which they have already tabled, and out of which they would like to have some of them to be moved, to the Secretary. I will treat them as moved.

Shri S. V. Ramaswamy: Sir, the time allotted for clauses 39 to 60 was 3 hours. I see from the uncorrected report that at about 4.47 P.M. you were pleased to say: "Now we shall take up the next group of clauses numbers 39 to 60." My point of order is this. Within 17 minutes the whole batch of clauses from 39 to 60 seem to have been passed. Now, what about the allotment of time of 3 hours? Such of those Members who were interested in these clauses were under the impression that these would be taken over to the next day. But, I find, Sir....

Mr. Deputy-Speaker: Order, order. I have heard him; it is sufficient. Was the hon. Member here yesterday?

Mr. S. V. Ramaswamy: No, Sir; but, we were.....

Mr. Deputy-Speaker: Order, order. I know what he is going to say. The point of order is simply this. 3 hours were allowed to these clauses. But, when no hon. Member wants to speak, shall I sit *chup chap* here and then adjourn the House and again sit mum on the next day till the three hours are over? Is it the kind of instruction he will give to the Chair? I will proceed if no hon. Member wants to speak. The time is allotted to enable hon. Members to say what they have to say. Every minute counts for us. We have allowed, 15, 20 and 50 minutes to every motion. Therefore, I called upon the hon. Member Shri Sadhan Gupta. He spoke—normally he speaks extensively also. The matter was whether jurors are to be continued or not. He spoke at length. Then I looked this side and that side. No hon. Member rose to speak. Shri Raghavachari said that there was no quorum. But, he did not say: "I want to speak". Other hon. Members had gone out. The quorum bell was run. As soon as hon. Members came into the House the bell was stopped. Then again I looked this side and that side. No hon. Member wanted to speak. I requested the hon. Deputy Minister to speak if he had anything to say. If the complaint is that I did not speak and continued the discussion to enable Mr. Ramaswamy to come here today and speak, that is no point of order. I can request hon. Members to be here, but how can I ask them to speak?

Sardar A. S. Saigal (Bilaspur): But, the hon. Member was not here.

Shri R. D. Misra (Bulandshahar Distt.): Yesterday, I said that I had an amendment and wanted to speak.

Mr. Deputy-Speaker: That was later on, when the discussion had closed. Hon. Members are not willing to be in their seats to move their amendments. They do not realise their responsibility towards their constituencies, and then they go and complain against the attitude of the Chair. I am really surprised. I do not know what their constituencies

[Mr. Deputy Speaker]

are going to do this time so far as those hon. Members are concerned.

Now, let us proceed with the clauses 61 to 65.

[SHRI BARMAN *in the Chair.*]

Shri Raghubir Sahai (Etah Distt.—North East *cum* Budaun Distt.—East): I have given notice of an amendment which is No. 12 in list No. 3, to the following effect. In section 342 of the Criminal Procedure Code, sub-clause (2) reads like this:

> "The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just."

What I propose by my amendment is to delete the words "or by giving false answers to them" and also the words "or answers", which is simply a consequential one. After the deletion of these words, the sub-clause will run like this:

> "The accused shall not render himself liable to punishment by refusing to answer such questions; but the Court and the jury (if any) may draw such inference from such refusal as it thinks just."

The object of my amendment is that I wanted to strengthen the hands of the Home Minister in putting down the prevalence of the evil of perjury. It has been recognised by him as it has been recognised by everyone who is conversant with our law courts and with the profession of law, that this is a very wide-spread and rampant evil. The aims and objects of the original Bill that was placed before the House for amendment of the Criminal Procedure Code were the putting down of perjury, besides the other things, namely, that the trials should be expeditious, they should be less expensive and there should be less cumbersomeness in the law. I am one of those who believe that by enacting this amending Bill with changes here and there that have been made by the Joint Select Committee and by the House so far and by other amendments that may be accepted by this hon. House hereafter, we will have achieved the objective of expeditious trial, of making the trial less expensive and of overcoming cumbersomeness to a certain extent. But I am one of those who believe that so far as the problem of putting down perjury is concerned, we have not gone a step further. You may remember that in the original Bill, the Home Minister proposed that in order to deal with this evil, there should be a provision that as soon as a perjured statement is made before a Magistrate or before a Judge, he should be empowered to punish the perjurer then and there summarily. That provision, as you all know, has been substantially changed by the Joint Select Committee.....

Pandit Munishwar Datt Upadhyay (Pratapgarh Distt.-East): Clauses 61 to 65 do not cover perjury.

Shri Raghubir Sahai: My friend, Pandit Upadhyay just invited my attention to the fact that these sections or clauses do not make any provision for perjury, but if he just bears with me and follows my argument, he will be able to appreciate the line of argument that I am adopting. When I say that in putting down perjury this Bill has not taken us very far, I quite agree with the Home Minister that it is a social evil and public opinion should be very strong in putting down perjury wherever it may be, but my own submission is that the law as it stands today is also responsible for encouragement of perjury. This is my personal view; many hon. Members of this House may not agree with me, but I want that at least the provisions of the law should not be such as to encourage perjury or falsehood. I am drawing your attention to the provisions of section 342, sub-clause (2) of the Criminal Procedure Code, where it has been pointedly laid down that the accused can refuse to give an answer to any question put to

him or he can give false answers. For God's sake do not make such a provision in law, namely, that an accused is permitted, by law or by statute, to give a false answer. On the one hand, you are very anxious to put down perjury wherever it may be; on the other hand, you are statutorily giving permission to an accused to make false answers. These two things cannot go hand in hand. In the first instance, even from an accused, I expect a true answer when a question is put to him. He is not under an obligation to give any answer and the law gives him power to refuse to give an answer because it may be possible that by giving that answer he may incriminate himself. Let him refuse to answer, but if he does give an answer, let him give the true answer though it may incriminate him. If he gives a true answer and if that answer incriminates him, let it be construed under the law to be an extenuating circumstances by itself. You will have to change the law in the light of my remarks before perjury is sought to be put down in every shape or form and it may not become so prevalent as it is today. It is said that if they remove these words "that he may give false answers", there might be a lurking suspicion in the minds of the people that by giving a false answer, the accused may be involving himself in another case or committing another offence. Far from it as there is no sense in this argument, because he can only be liable for his statement or for a wrong statement if he makes that statement under an oath. That answer is not under an oath and so he is not liable.

I will also draw your attention to a further provision that has been made in this amending Bill. You are now giving the accused a right to go into the witness box and to be his own witness. This right did not exist up to this time, although it has been existing in England for the last fifty or sixty years. You are introducing this here now. Why? My own interpretation of this new provision is that you want that truthfulness should be given a premium. Let the accused come forward into the witness box, take the oath and make a clean breast of the whole thing. It is quite possible when he is examined, cross-examined and re-examined that the Court may be impressed and the proceedings of the case may be cut short and the Court may be in a position to come to the truth. When you are going so far as to give the accused the right to come into the witness box, why do you retain these words? You will excuse me if I say that the retention of these words is a disgrace to the statute-book. You cannot with one voice say that you are going to put down perjury and with another voice say that you will retain these words. These words ought to go lock, stock and barrel. So much has been said about the evil of perjury by Judges of High Courts and other distinguished persons who know the affairs in our law courts have bemoaned this rampant evil of perjury, but, as I had already said, this is a social evil, and we have to fight it on all fronts. Why, is it that in other countries, where civilization is not as old as ours, they are more prone to speak the truth? I had an opportunity to go through some of the proceedings of Nuremburg trials and I was struck with the frank statements of the accused there. They knew they were going to be hanged, and there was no escape. When the accused was put questions by the Court, he came into the witness box and made a complete avowal of everything. He did not eat his own words. He did not shilly-shally with those things. He admitted all these changes and the only plea that he raised was, "when we have discharged our duty, why are we being punished?" They did not give false replies. They did not say, "we refuse to answer". Only this morning, I was reading in the *Hindustan Times* that a Member of Parliament in England was convicted and sentenced to a term of imprisonment on charges of embezzlement. Out of seven counts that young men of 35 years—a sitting M.P.—admitted six charges and he was awarded an imprisonment of six or seven years. Please excuse me when

[Shri Raghubir Sahai.]

I say that very few lawyers here will be disposed to give that advice to any client of theirs. They may say, "you deny the charges wholesale. Let the prosecution prove the guilt and it is quite possible you may be given the benefit of doubt". Now, what I mean to say is, in other countries, great value is laid on true statements, on suppressing falsehood. Why not lay the same sort of emphasis here? I am really surprised—I might have limited experience, but I am putting that experience before this House for what it is worth—that I have not come across a single ruling in my whole professional career where a Judge or a Magistrate has extolled the accused or a witness on the ground of his having made a clean breast of the whole thing or on the ground of his having made a true statement. He may convict that man but he should at least pay some value to his being truthful. We will have to give an entirely different orientation to the very conception of law. This perjury cannot be put down by merely providing some punishment here or some punishment there. The present provision in this Bill is that a perjurer cannot be tried summarily. The Magistrate or the Judge who is convinced of his perjured statement will simply make a note in his judgment that he has made a perjured statement with a recommendation that he should be tried not before him but before another Magistrate. He may be punished with a fine or be sentenced to term of imprisonment. That does not matter, but I beg to ask, "Will that put down perjury"? Are you producing that sort of atmosphere in the precincts of the Court or outside that nobody will perjure? I for one say, and say it emphatically, that it will not. Please take some positive steps to encourage speaking the truth. At least these pernicious words should not remain where they are.

Shri Sadhan Gupta (Calcutta—South-East): In this group of clauses also, the spirit of making the rights of defence, the right of an accused to prove his innocence, is made subservient to the whims of the Judge. But that is not all. In this group of clauses, another very vicious principle is evident. It is a much more mischievous principle, that of egging on the Court to try and secure conviction by laying a trap for the accused. I shall deal with this aspect first, because it is the more important one. What is the general principle of criminal justice to be followed? Although we have got it from Britain, I think it is a salutary principle. It is the principle of presumption of innocence of the accused. When an accused person is produced in Court, and charged by an investigating machinery, there is a *prima facie* danger that the Court will become biassed against him. Whenever an accused is brought under the handcuff in a very imposing manner, it seems that there is a *prima facie* case against him. In order to obviate that bias, it has been rightly provided that the Court should be very cautious in convicting him and that it should proceed on the basis that he is innocent and should expect the other side to prove his guilt. Clause 61 which seeks to amend section 342 gives an absolute go-by to this very salutary principle. The object of the new amendment is that if the prosecution is enabled to prove anything through its witnesses, the Court should be enabled by questioning and cross-questioning the accused, by laying a trap by ringing out admissions and half-truths from the accused to supply the lacuna, fill the gap, in the prosecution case and to convict the accused by admissions which may not even be complete admissions, and which may even be part of the truth, and thereby help the prosecution in proving the guilt of the accused. This is a complete go-by to the principle of presumption of innocence and the principle which puts the burden of proving the guilt on the prosecution.

As I said, the accused are under a great handicap. They start with the danger of an initial presumption due to the natural detestation against criminals in society; over and above that, in our country, the accused are under

a greater handicap, because the class of people who usually come up as accused do not know what is happening in the Court. They do not understand the technicalities of the procedure, the admissibility or inadmissibility of evidence, and the relevancy or irrelevancy of evidence. On account of this lacuna in the procedure, they may make admissions which may not be the whole truth but parts of which may be true I say so because I had an interesting experience before the Supreme Court.

What happened is this. A certain detenu was brought from Assam on a *habeas corpus* petition. Although it is not in the province of the Supreme Court to enquire into the merits of the grounds, yet in an informal manner some times, when the detenus are not defended by counsel, the Supreme Court ask the detenus as to the correctness of the grounds. Of course, they do not discharge any one on that ground but they ask that question just to see whether something can be done. What happened in this case was this. He was a Nepali young man and he was brought up before the Supreme Court as a detenu from Assam. The allegation against him was that a very subversive leaflet was recovered from him. The Supreme Court asked him this question: "What was recovered from you? Was a leaflet recovered from you". He said: 'yes'. When his application was discharged, I met him and asked him about this. It was not a subversive leaflet; it was a weekly journal that was recovered. Now, he was almost an illiterate person; he was a young detenu. That journal was a trade union journal and I learnt this later on. Their Lordships of the Supreme Court put that question because they thought that some leaflet must have been recovered from him and if it had been recovered, the detention must have been right. They were quite justified. Not being able to understand the whole purport of the question he thought that they were referring to that weekly journal and he said: 'yes'. This is going to happen in many cases.

It is most dangerous to provide that the Court can put rambling questions that way. There is another weighty argument against it. The other day, when the Preventive Detention Act was being opposed on the ground that it was an extraordinary thing, Dr. Katju had retorted that it was nothing extraordinary. He said that it was permitted by the Constitution. That was his position as regards the Preventive Detention Act. Any one who reads the Constitution knows that the Constitution does not require the enactment of the Preventive Detention Act. But what he is doing here is to go completely against some thing which the Constitution requires. What does it require? It requires that no person shall be compelled to give evidence against himself. But here, Dr. Katju wants to invest the Judge not only with power to enable the accused to explain the circumstances against him but to drag out from the accused, to question and cross-question the accused, so as to extract from him some condemnation of himself—something which he should not be compelled to give under the Constitution. That is very extraordinary.

We have proposed an amendment—No. 609 and that amendment restores, as far as possible, the present position. The discretionary examination which is in the first part of section 342 has been made a rambling examination. The mandatory examination will remain as it is today—an examination for the purpose of enabling the accused to explain any circumstances appearing against him.

Now, I come to two other clauses which prejudice the rights of the defence in conducting the cases. The clauses are 63 and 65. Now clause 63 seeks to amend section 344 which is concerned with adjournments. The very beginning of the new sub-section —one which is sought to be introduced in section 344—is that the Court will hear all cases expeditiously. We have no quarrel with that. We want and all want that the Court must hear the cases expeditiously. In fact it is the accused who suffers for lack of expedition and not the prosecution. In fact

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it is the prosecution who often are responsible for the lack of expedition and who are responsible for obtaining repeated adjournments. Sometimes they make witnesses absent on false grounds because they have not been tutored well. Some times a witness is kept out because he may not stand cross-examination.

It happened in my experience once. Similar things might have happened in the experience of many other lawyer colleagues of mine. I was insisting on cross-examination of a *dharwan* of a mill who happened to be a Bihari Brahmin. That was just after Partition and a police firing had taken place. I wanted him for no particular reason; he was not very essential for me. But the police thought that I hoped to bring out something from him. He was not produced for some days and finally the police said that he had gone away to Pakistan. This was the stock reason for not producing a witness in Bengal because a Bengali Hindu might go to Pakistan; a Bengali Muslim might go to Pakistan. That would cover most witnesses. But what the police failed to see was that it did not cover a Bihari Brahmin. As a matter of fact, I heard that that particular witness was hale and hearty in the locality in which he was working. That is the way how police try to keep out witnesses.

Therefore, it is the prosecution that is responsible for adjournments. It is not that kind of adjournments that Dr. Katju is against; but it is only the adjournment that the accused may require. What he provides is that while the witnesses are in attendance, no adjournment will be given before the examination of witnesses is concluded. In a civil case, there is a case to which all evidence is restricted. Nothing of the kind exists in a criminal case. It may be that a witness may spring a surprise on the accused. How can he cross-examine that witness or any witness subsequent to him unless he has had the time to consider his case or consider the new case introduced by the witness? Yes, it is provided that every witness must be examined before an adjournment is granted. With great respect to the Home Minister, I would submit that this is neither reason nor justice. An adjournment should be given in every case when it is required on reasonable grounds. Why should the Home Minister shrink away from giving the accused the right to obtain adjournment on a reasonable basis? Expedition is there. I do not want to interfere with that. In fact, I want expedition. That provision about expedition should be honoured in the letter. Yet, I have suggested a provision that an adjournment can be granted for a reasonable cause, for reasons to be recorded. Why should the Home Minister not accept an adjournment for reasonable cause? Is it because he thinks that our Courts are too irrational to be trusted to judge what is a reasonable cause? I do not think that is so. The real motive appears to me,—and that is the only reason for refusing an adjournment for a reasonable cause—to be this. He wants that the accused should not have even a reasonable opportunity to prepare his defence. Even if a reasonable ground exists for an adjournment, he should not have it. I would therefore urge upon the hon. Minister not to persist in the mutilation of criminal justice in this fashion. If he wants expedition, let him have it by removing the causes of the delay and not by sending an innocent person to jail by denying him the right to prove his innocence by refuting the evidence of his guilt.

The other attack on the accused's right is in clause 65. Under the present Criminal Procedure Code, section 350 provides that the accused may have certain witnesses recalled when a fresh Magistrate comes to try the case, after the transfer of the previous Magistrate before whom the case has gone on. The reason for a *de novo* trial is not far to seek. The Magistrate has heard the evidence, watched the demeanour of the witnesses and he has gone. You can have the evidence recorded on paper. You can read the paper. But, from

the paper itself, you can never get that idea of the evidence of the witness which you can get by watching him. It may be that the evidence of a witness reads magnificent. But. when you see the faltering manner in which he delivers it, the fidgety behaviour which accompanies it, the trembling, the nervousness which accompanies the speaking of an untruth, you have quite a different idea of that evidence. It is for this purpose that an accused has been given the right to get a witness re-summoned and examined before a new Magistrate.

There is another reason also. As Shri Tek Chand has been repeatedly insisting, often, cases are conducted according to our impression of the Magistrate's impression of the case. If we find that a Magistrate is convinced of the accused's innocence, what we do is, we do not waste the time of the Magistrate and we do not exasperate the Magistrate by prolonging the cross examination. We make a short cross-examination. When a new Magistrate comes, he may be of a different opinion. No two Courts think alike. Then, we have to conduct the case in some other manner. When a witness should be recalled, when the demeanour of the witness should be watched, is certainly not a thing which the new Magistrate can judge. How can he judge when he has not seen the witnesses.? It is really the accused who can judge. Yet, what the Home Minister has provided in his great wisdom is that it is not only the Magistrate who should judge which witness is likely to impress or destroy his impression, but it is the Magistrate who will also judge how much of cross-examination should be allowed to that witness. This is an extraordinary thing and we cannot support it. We have suggested amendments 614 and 615. By amendment No. 614, we have sought to give unfettered right of cross-examination and re-examination of a witness re-summoned by a Magistrate and amendment No. 615 restores the accused's right to recall witnesses whom he thinks should be re-examined before the Magistrate.

I shall finally deal with two matters which are contained in clauses 62 and 63. The clause 62 is a new provision which enables the accused to give evidence as a witness. Speaking for myself and for my party, we are very apprehensive as to how this provision will work in our country.

Mr. Chairman: How much time is the hon. Member likely to take?

Shri Sadhan Gupta: I have almost finished. There is only a small thing. I shall finish.

Mr. Chairman: Can you finish in two minutes? Otherwise, you may continue tomorrow.

Shri Sadhan Gupta: I will finish today, if not in two minutes—in five minutes.

When a large number of criminal cases go to executive-minded Courts, all sorts of moral pressure may be brought to make the accused request in writing to be called a witness. The accused may fear that unless he volunteers as a witness according to the covertly expressed desires of the Magistrate, the case may go against him in spite of the prohibitions in the new section. He will be forced to make a request in writing. Have we not had many instances when Magistrates make the accused plead guilty, suggesting inducements? Do we not have instances when, at least in petty cases, fines keep on increasing with every protestation of innocence by the accused? Therefore, in such a country, the provisions of the new section 342A are likely to be a doubtful privilege. My amendment to that clause is only to correct a clerical error because after clause (a) of the proviso the word 'or' seems to be out of place. It should be the word 'and'. That is the amendment that I have suggested because I could not suggest any better amendment to this clause except by way of opposition.

I shall conclude with a few observations on clause 64. We support most of the offences being made compoundable. In that clause, we want to add one and delete another. The Home Minister has made theft under section

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379 a compoundable offence. Theft under section 381 has also been made compoundable. If theft by a servant can be made compoundable, why not theft under section 380? The offences are compoundable only with the permission of the Court. Theft in a building as such is not necessarily such a serious thing that in no case it should be compounded. Why not leave it to the Court to judge the desirability of compounding such a case? We have suggested an amendment which seeks to add section 380 to this list of compoundable offences. That is amendment No. 612.

5 P.M.

Then, my question is, why should offence under section 509 remain compoundable? Section 509 deals with insulting the modesty of a woman or intruding into her privacy. Why should such an abominable offence be made compoundable? Is it because the British ordiated it so? Are we not entitled to display a little better sense of morality than our British masters who had uncomplimentary ideas about our womenfolk? Why should the Home Minister be so indulgent to those who insult the modesty of a woman or intrude on their privacy? In such cases, it is not only the woman who is concerned, but it is the society as well that is concerned. The question is whether such an immorality should be put down, and the woman should not be made the sole judge of it? I would, therefore, request the hon. Home Minister to accept my amendment No. 613 which seeks to delete the provisions relating to section 509 from the table given on page 20 of the Bill.

I again commend to the Home Minister to accept my amendment No. 612 which seeks to introduce theft under section 380 as a compoundable offence, with the permission of the Court, and amendment No. 613 which seeks to delete offence under section 509, so as to make it a non-compoundable offence.

Mr. Chairman: I shall now place before the House the amendments which the Members have indicated to be moved to the group of clauses under consideration, subject to their admissibility:

Clause 61: Amendments Nos. 238, 609, 93, 12 and 622 (same as 238).

Clause 62: Amendments Nos. 94, 610 (same as 94), and 616 (Government amendment).

Clause 63: Amendments Nos. 611 and 486.

Clause 64: Amendments Nos. 302, 617, 612, 618, 619, 620, 621 and 613.

Clause 65: Amendments Nos. 614 and 615.

Clause 61

Shri Tek Chand (Ambala—Simla): I beg to move:

In page 17, *omit* lines 12 to 21.

Shri Sadhan Gupta: I beg to move:

In page 17,

(i) line 16, *after* "necessary" *insert*:

"for the purpose of enabling the accused to explain any circumstances appearing in the evidence against him";

(ii) lines 17 and 18, *for* "of enabling the accused to explain any circumstances apppearing in the evidence against him" *substitute* "aforesaid".

Shri M. L. Agarwal (Pilibhit Distt. *cum* Bareilly Distt—East): I beg to move

In page 17,

(i) line 16, *omit* "and shall"; and

(ii) line 18, *after* "him", *insert* "and shall for the purpose aforesaid".

Shri Raghubir Sahai: I beg to move:

In page 17, *after* line 21, *insert*:

"(aa) in sub-section (2), the words 'or by giving false answers to them' shall be omitted".

Shri Venkataraman (Tanjore): I beg to move:

In page 17, *omit* lines 12 to 21.

Clause 62

Shri M. L. Agrawal: I beg to move:

In page 17, line 36, *for* "or" *substitute* "and".

Shri Sadhan Gupta: I beg to move:

In page 17, line 36, *for* "or" *substitute* "and".

The Deputy Minister of Home Affairs (Shri Datar): I beg to move:

In page 17, lines 37 and 38, *omit* "adverted to or".

Clause 63

Shri Sadhan Gupta: I beg to move:

In page 18, lines 5 to 7, *for* "unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded" *substitute*:

"unless the Court for reasonable cause and for reasons to be recorded, considers it necessary in the interests of justice to adjourn the same beyond the following day."

Pandit Munishwar Datt Upadhyay: I beg to move:

In page 18, *omit* lines 8 to 13.

Clause 64

Shri N. S. Jain (Bijnor Distt.—South): I beg to move:

In page 18, *after* line 34, *insert*:

"Assault or criminal force to woman with intent to outrage her modesty.	354	The person assaulted or to whom criminal force was used.
Assault or criminal force with intent to dishonour person otherwise than on grave provocation.	355	Ditto."

Shri Venkataraman: I beg to move:

In page 18, line 38, *after* "Theft" *add* "where the value of property stolen does not exceed one thousand rupees".

In page 18, *after* line 39, *insert*:

"Theft in a building, tent or vessel	380	Ditto"

Shri Venkataraman: I beg to move:

(1) In page 18, line 41, *after* "master" *add* "where the value of the property stolen does not exceed one thousand rupees".

(2) In page 19, line 4, *after* "trust" *add* "where the value of the property does not exceed one thousand rupees".

(3) In page 19, lines 9 and 10, *after* "wharfinger, etc." *add* "where the value of the property stolen does not exceed one thousand rupees".

(4) In page 19, line 11, *after* "servant" *add* "where the value of property does not exceed one thousand rupees".

Shri Sadhan Gupta: I beg to move:

In page 20, *omit* lines 15 to 19.

Clause 65

Shri Sadhan Gupta: I beg to move:

(1) In page 20, lines 28 and 29, *for* "as he may permit" *substitute* "as may be made".

(2) In page 20, *after* line 29, *add*:

"Provided further that if requested so to do by any accused person, such Magistrate shall resummon any one or more of such witnesses in accordance with such request and after such further examination, cross-examination, and re-examination, if any, as may be made, each such witness shall be discharged."

MOTION *RE*: REPORT OF JOINT SITTING OF COMMITTEES OF PRIVILEGES OF BOTH HOUSES

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

"This House approves the recommendations contained in the