

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2522
ANSWERED ON:07.03.2003
NEW GUIDELINES FOR DISPOSAL OF CIVIL CASES
MADAN PRASAD JAISWAL

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether there has been any discernible improvement in the speedy disposal of Civil cases since the enforcement of new guidelines for disposal of CPC cases;
- (b) if so, the details thereof;
- (c) the major recommendations of Justice V.S.Malimath Committee constituted to suggest reforms to the Cr.PC; and
- (d) the amendments the Government propose to make to take care of increasing number of criminal cases stalled due to witnesses turning hostile in the courts leading to acquittal in most of the cases?

Answer

MINISTER OF LAW & JUSTICE AND COMMERCE & INDUSTRY (SHRI ARUN JAITLEY)

- (a) & (b) No specific assessment has been made on the impact of the amendments to the Civil Procedure Code which were brought into effect from 1.07.2002.
- (c) The term of the Committee set up by the Government under the Chairmanship of Dr.Justice V.S.Malimath to revamp the Criminal Justice System in the country has been extended to 31.03.2003. The Committee has been asked to submit its Report by that date.
- (d) The Law Commission of India in its 178th Report has, inter-alia, recommended insertion of a new section namely 164A after section 164 of the Code of Criminal Procedure, 1973 with a view to tackling the problem of witnesses turning hostile. The suggested new Section is as follows:
 - 164A (1) Any police officer making an investigation into any offence punishable with imprisonment for a period of ten years or more (with or without fine) including an offence which is punishable with death, shall in the course of such investigation, forward all persons whose evidence is essential for the just decision of the case, to the nearest Magistrate for recording their statements.
 - (2) The Magistrate shall record the statements of such persons forwarded to him under sub-section (1) on oath and shall keep such statements with him awaiting further police report under section 173.
 - (3) Copies of such statements shall be furnished to the investigating officer.
 - (4) If the Magistrate recording the statement is not empowered to take cognizance of such offence, he shall send the statements so recorded to the Magistrate empowered to take such cognizance of the case.
 - (5) The statement of any person duly recorded as a witness under sub-section (1) may, if such witness is produced and examined, in the discretion of the court and subject to the provisions of the Indian Evidence Act, 1872, be treated as evidence.'