

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1058
ANSWERED ON:09.12.2003
REVIEW OF INVESTIGATION AND PROSECUTION SYSTEM
GANTA SRINIVASA RAO;GUNIPATI RAMAIAH

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is considering review of the present investigation and prosecution system in view of recent criminal trial in Andhra Pradesh and Gujarat; and

(b) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I. D. SWAMI)

(a) & (b): To prevent the evil of witness turning hostile, a Bill namely, the Criminal Law (Amendment) Bill, 2003 was introduced in the Rajya Sabha on 22nd August, 2003 which inter alia proposed to amend Sections 161, 162 and to insert new sections 164A and 344 of the Code of Criminal Procedure, 1973. The proposed amendments, require that the statements of all persons which appear to be material and essential for proper investigation of the case relating to offences punishable with death or imprisonment for seven years or more shall be recorded on oath by Magistrate who will also satisfy himself that such person is making the statement voluntarily and not under any inducement, threat or promise. Also it has been proposed to have a provision for summary trial for perjury and enhance the punishment for perjury after the summary trial.

The Bill has been referred to Parliamentary Standing Committee on Home Affairs for examination.