

**JOINT SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY - 1921**

**The Indian Penal Code (Amendment) Bill**

List of Reports of Select or Joint Committees  
presented in the Legislative Assembly in 1921.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks
1.	The Indian Limitation(Amendment) Bill.	17.3.21.	
2.	The Indian Penal Code(Amendment) Bill.	15.9.21.	
3.	The Maintenance Orders Enforcement Bill.	15.9.21.	
4.	The Indian Electricity (Amendment) Bill.	19.9.21.	Report the Joint Committee
5.	The Indian Factories (Amendment) Bill.	26.9.21.	-do-
	<del>The Indian Emigration(Amendment) Bill.</del>		

## LEGISLATIVE DEPARTMENT.

We the undersigned, Members of the Select Committee to which the Bill further to amend the Indian Penal Code was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

In clause 2 we have suggested the omission of the words "forfeiture of all his property or to" after the words "liable to."

We consider that it is better to proceed against the property of an offender under these sections by the imposition of a fine rather than by forfeiture. At present the law does not provide for this, as section 386 of the Code of Criminal Procedure, 1898, does not permit of fines being levied on immoveable property. We, therefore, recommend that fines imposed as a result of a conviction under section 121, 121A or 122 of the Indian Penal Code shall be recoverable from the immoveable property of the offender if they cannot be recovered from his moveable property, and that this be provided for in the Bill for the comprehensive amendment of the Code of Criminal Procedure, 1898, which is at present under consideration. We understand that in England fines can be levied on immoveable property under the law.

3. Geo. IV, c. 46.

4. Geo. IV, c. 37.

Halsbury Laws of England, Vol. 10, pages 14, *et seq.*

Consequent on the amendments made in this Bill we recommend that the necessary consequential amendments be made in Schedule II to the Code of Criminal Procedure, 1898, in the main Bill for the amendment of that Code, which is now under consideration.

2. The Bill was published in the Gazette of India, dated the 26th February, 1921.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

4. Rai Jadunath Majumdar Bahadur did not attend the first two meetings of the Select Committee.

He attended the final meeting and wishes to record that he does not agree to the proposal to recover fines from immoveable property.

TEJ BAHADUR SAPRU.

W. H. VINCENT.

P. S. SIVASWAMY AIYER.

H. S. GOUR.

J. CHAUDHURI.

JADUNATH MOZOOMDAR.

GIRDHARILAL AGARWALA.

T. MOHD. HUSAIN.

D. R. LYLE.

E. L. PRICE.

H. CLAYLON.

*The 14th September 1921.*

~~(As passed in the Legislative Assembly)~~

~~[As amended by the Senate Committee].~~

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## BILL

### *Further to amend the Indian Penal Code.*

WHEREAS it is expedient further to amend the Indian Penal Code; It is hereby enacted as follows :— XLV of 1921.

1. This Act may be called the Indian Penal Code (Amendment) Act, 1921.  
Short title.
2. In sections 121 and 122 of the Indian Penal Code (hereinafter referred to as the said Code), for the words "and shall forfeit all his property" the words "and shall also be liable to fine" shall be substituted. XLV of 1921.
3. In section 121A of the said Code, after the words "ten years" the words "and shall also be liable to fine" shall be inserted.  
Amendment of section 121A, Indian Penal Code.
4. Sections 61 and 62 of the said Code are hereby repealed.  
Repeal of sections 61 and 62, Indian Penal Code.

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**GOVERNMENT OF INDIA.**  
**LEGISLATIVE DEPARTMENT.**

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**Report of the Select Committee on the Bill  
further to amend the Indian Penal Code.**

*(Bill as amended)*