# JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY - 1923

The Code of Civil Procedure (Amendment) Bill

## List of Peports of Select or Joint Committees presented in the Legislative Assembly in 1923.

Serial No.			nate of resentation.	Remarks.
1.	The	Cotton Transport Pill.	15.1.23.	
2.	The	Cantonment(wouse Accommodation) Amendment Bill	1. 15.1.23.	Reports of
<b>3.</b>	The	Indian Boilers Bill.	15.1.23.	the Joint
4-	The	Indian Fines Bill.	16.1.23.	Committee
5.	The	Workmen's Compensation Bill.	24.1.23.	5
6.	The	Indian Official Secrets Bill.	31.1.23.	
7.	The	Married Momen's Property Bill by Mr.B.S.Kamet	t. 8.2.23.	
8.	The	Indian Penal Code (Amendment) Rill (White Slave Traffic )	e 8.2.23.	
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9.	The	Indian Cotton Cess Bill.	14.7.23.	-do-
<b>!</b> '''		Code of Civil Procedure (Amendment) Bill by Dr. Hari Singh Gour.	20.2.23.	
11.	The	Hindu Law of Inheritance (Amendment) Bill by Mr.T.V. Seshagiri /yyer.	14.3.23.	No Copy and
12.	The	Exclusion from Inheritance Bill by Fr.T.V. Seshagiri Ayyar.	14.3.23.	
13.	The	Code of Criminal Procedure (Amandment) Bill (Sec.4) By Mr. Abul Kasem.	14. 3.23.	
14.	The	Civil Marriage (Amendment) Bill by Dr. Hari Singh Gour.	14. 3.23.	
15.	The	Mussalman Takf Registration Fill by Mr. Abul Masom.	15.3.23.	
16.	The	Abolition of Transportation Pill.	<sup>2</sup> . 3. 7.23.	
17.	The	Indian Stamp (Ameniment) Bill.	10.7.23.	
18.	The	Indian Maturalization Bill.	10.7.23.	
19.	The	Land /cquisition (Amendment) Bill.	16.7.23.	
20.	The	Contonments Bill.	18.7.23.	
21.	The	(ode of Civil Procedure (imendment) Fill by L Girdhari Lal Agrarmal.	lale 24.7.23.	
22.	The	Legal Practitioners Bill by Wr.K.C. Yeogg.	25.7.23.	
. 23.	The	Illegitimate Sons' Rights Cill.by r. W.K. peddi Garu.	27.7.23.	

#### LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill further to amend

Paper No. I (Opinions Nos. 1-15).

the Code of Civil Procedure, 1408, was referred,
have considered the Bill and the paper noted in the
margin, and have now the honour to submit this our Report, with the Bill as amended by us
annexed thereto.

Clause 2.— The majority of the opinions on the Bill point out that the result of excluding decrees for restitution from the scope of rule 32 of Order XXI is to make it impossible to execute any such decree in a case where the decree-holder is the husband. It would appear, however, that in fact the result would be to leave the question to be decided by the Court under section 51 of the Code under which, if no special conditions or limitations are prescribed for the execution of this class of decree, it would actually become lawful for the Court to order delivery of the person of the wife to the husband. We propose, therefore, to provide by an amendment of rule 32 (1) of Order XXI merely that decrees for restitution caunot be enforced by detention of either party in the civil prison. This will leave the attachment and sale of property as the only method by which such a decree can be executed against a wife.

Clause 3.—This clause as drafted effects merely the omission of sub-rule (1) of rule 33 of Order XXI and the substitution of certain words for the opening words of sub-rule (2). The question of the desirability of repeating the major portion of rule 33 does not, however, arise in view of the fact that we propose to retain sub-rule (1) with certain alterations which will make it clear that, once the Court has made up its mind to proceed under this rule, the operation of rule 32 will be barred. In this respect our re-draft of this clause follows the provisions of section 2 of the Matrimonial Causes Act, 1884 (47 and 48 Vic., Cap. 68). It also makes clear what was not provided for in the original draft, namely, that the order for periodical payments may be made either at the time of the passing of the decree or at any later stage.

- 2. The Bill was published in the Gazette of India dated the 1st October, 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.

W. M. HAILEY.

H. S. GOUR.

N. M. SAMARTH.

CAMPBELL RHODES.

K. AHMED.

DELHI:

The 20th February, 1923.

(Words printed in italics indicate the amendments suggested by the Committee.)

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#### BILL

Further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908; It is hereby V of 1908. enacted as follows:—

- 1. This Act may be called the Code of Civil Procedure (Amendment) Acf, 192.
- 2. In sub-rule (1) of rule 32 of Order XXI in

  Amendment of rule the First Schedule to the

  32 of Order XXI in Code of Civil Procedure,

  Echedule I. Act V of 1908 (hereinafter referred V of 1908.

  1908.

  to as the soid Order), after

  the word "enforced" the following shall be
  inserted, namely:—

"in the case of a decree for restitution of conjugal rights, by the attachment of his property or, in the case of a decree for the specific performance of a contract or for an injunction".

Amendment of rule

3. In rule 33 of the said

33 of Order XXI in Order,—

5 shedule I, Act V of

- (a) in sub-rule (1), after the words "passing a dicree" the words "against a husband" shall be inserted, and for the words "shall not be executed by detention in prison" the words "shall be executed in the manner provided in this rule" shall be substituted; and
- (b) in sub-rule (2), the words " and the decree-. holder is the wife" shall be omitted.

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## GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, with the Bill as amended.