

of section 53 of the Act of 1971, and thereby allow time for the appropriate schemes being formulated. That is why the necessary amendment had to be made before the expiry of the period of two years mentioned in the Act of 1971. As the Parliament was not in session, an Ordinance amending the relevant provision of the principal Act was promulgated by the President on 19-1-1974. The present Bill seeks to replace the Ordinance. I now commend the Bill for consideration of the House.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to amend the North-Eastern Areas (Reorganisation) Act, 1971, as passed by Rajya Sabha, be taken into consideration."

DR. RANEN SEN—I think there are no speakers.

The question is :

"That the Bill to amend the North-Eastern Areas (Reorganisation) Act, 1971, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : Now, we take up clause-by-clause consideration. I think there are no amendments.

The question is :—

"That Clauses 2 to 4 and 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 and 1, the Enacting Formula and the Title were added to the Bill.

SHRI F. H. MOHSIN : Sir, I move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :—

"That the Bill be passed."

The motion was adopted.

14.57 hrs.

STATUTORY RESOLUTIONS RE : CODE OF CRIMINAL PROCEDURE 1973

THE DEPUTY MINISTER IN THE
MINISTRY OF HOME AFFAIRS (SHRI
F. H. MOHSIN) : I move the following
Resolutions :

"In pursuance of clause (a) of section 478 of the Code of Criminal Procedure, 1973 (2 of 1974), this House resolves that the Central Government may, after consultation with the High Court of Delhi, by notification, direct that, in respect of the Union territory of Delhi, the references in sections 108, 109 and 110 of the said Code to a Judicial Magistrate of the first class shall be construed as references to the Executive Magistrate".

"In pursuance of clause (a) of section 478 of the Code of Criminal Procedure, 1973 (2 of 1974), this House resolves that the Central Government may, after consultation with the High Court of Punjab and Haryana, by notification, direct that, in respect of the Union territory of Chandigarh, the references in sections 108, 109 and 110 of the said Code to a Judicial Magistrate of the first class shall be construed as references to an Executive Magistrate".

Regarding these Resolutions, I wish to tell the House that recently, the Criminal Procedure Code has been passed in this House and in that, there is a slight amendment from the former Code of Criminal Procedure regarding functions in regard to Sections 108, 109 and 110. The functions under these sections have been given to

[Shri F. H. Mohsin]

the judicial magistrate. A new section has been included in the Code of Criminal Procedure which empowers any State Government or Union Territory Administration to take the powers under Section 108, 109 and 110 and give them to the Executive Magistrate instead of the Judicial Magistrates. So, that section was introduced in the new Code of Criminal Procedure just to maintain the existing arrangements that may be prevailing in so many States and the Union Territories.

As regards Delhi and Chandigarh, I wish to state that the arrangements so far were that these functions under these Sec. 108, 109 and 110 have been allocated to the Executive Magistrates but in respect of some other States, they have been allocated to the Judicial Magistrates. So, it is only with a view to continue the existing arrangements in Delhi and Chandigarh that these Resolutions have been brought before the House in accordance with the provision contained in Clause (a) of Sec. 478 of the Code of Criminal Procedure. These are the Resolutions in respect of Delhi and Chandigarh. We are not including anything new in this. We wish only to continue the existing arrangement that is prevailing in Delhi and Chandigarh. That is why these Resolution have been brought.

After these Resolutions are passed, we have to consult the High Courts of Delhi, Punjab and Haryana and then the notification has to be issued. After that only it will come into effect. Therefore, I commend both the Resolutions for acceptance of this House.

15 hrs.

MR. DEPUTY-SPEAKER : Statutory Resolutions moved :

"In pursuance of clause (a) of section 478 of the Code of Criminal Procedure, 1973 (2 of 1974) this House resolves that the Central Government may, after consultation with the High Court of Delhi, by notification, direct that, in respect of the Union territory of Delhi, the references in sections 108, 109 and

110 of the said Code to a Judicial Magistrate of the first class shall be construed as references to "an Executive Magistrate."

"In pursuance of clause (a) of section 478 of the Code of Criminal Procedure, 1973 (2 of 1974) this House resolves that the Central Government may, after consultation with the High Court of Punjab and Haryana, by notification, direct that, in respect of the Union territory of Chandigarh, the references in sections 108, 109 and 110 of the said Code to a Judicial Magistrate of the first class shall be construed as references to an Executive Magistrate."

श्री श्री० आर० बड़े (हरदोस) इसका बारे में मैं एक सफाई चाहता हूँ। 108, 109 और 110 का संकलन है, इनका आप इराज न कर रहे हैं। आप कह रहे हैं कि ज्यूडिशियल मैजिस्ट्रेट के बारे में रफ़ेस का एग्जिक्यूटिव मैजिस्ट्रेट का रफ़ेस हुआ समझा जाना चाहिये। रिमांड देने का अधिकार है या नहीं यह एग्जिक्यूटिव मैजिस्ट्रेट का पता भी नहीं होता है। उनका यह अधिकार नहीं है। 108, 109, 110 और 114 में वह रिमांड नहीं दे सकता है। वाजपेयी जी को उन्होंने रिमांड दे दिया यह सभापति का मतलब में उठ चुका है। अगर आप यह कहते हैं कि उनको ज्यूडिशियल मैजिस्ट्रेट माना जाए, तो फिर परसन को भी आप का चेन्न करना चाहिये। एग्जिक्यूटिव मैजिस्ट्रेट का जब आप ज्यूडिशियल मैजिस्ट्रेट मानते हैं और उसको पावज़ उसको देते हैं तो क्या उनके लिए भी यह जरूरी नहीं होगा कि वे लायर हो वम साल की उनकी प्रेक्टिस होनी चाहिये या और जो क्वालिफिकेशन है वे उनका होनी चाहिये? मैं जानना चाहता हूँ कि क्या यो परसन इस वक्त एग्जिक्यूटिव मैजिस्ट्रेट है उनको भी आप चेन्न कर रहे हैं जब आप उनको ज्यूडिशियल मैजिस्ट्रेट की पावज़ दे रहे हैं? क्या उनके बास्ते कोई रेजिस्ट्रेशन रख रहे हैं या केवल सीजन को फना है, ना मे जो गडबड होती है उनको

दूर करने के लिए एग्जीक्यूटिव मैजिस्ट्रेट को ज्वा-
डिशियल मैजिस्ट्रेट कर रहे हैं ? यही प्रश्न मैं
पूछना चाहता हूँ ।

SHRI F. H. MOHSIN : Sir, as I have already mentioned, the intention of moving these Resolutions is to keep up the continuity of the present arrangement that is prevailing in the Union territories of Delhi and Chandigarh. If there are any faulty decisions by the executive magistrates, there is a provision that they could approach the High Court in revision. My hon friend has pointed out some instances where proper decisions by the executive magistrates were not taken I am not aware of such instances. But if such instances are there, people have got the remedy to go to the High Court. The Central Government cannot interfere in these matters which are of a judicial nature. Hence I again appeal to the House to accept these Resolutions.

MR DEPUTY-SPEAKER : The question is :

"In pursuance of clause (a) of section 478 of the Code of Criminal Procedure, 1973 (2 of 1974), this House resolves that the Central Government may, after consultation with the High Court of Delhi, by notification, direct that, in respect of the Union territory of Delhi, the references in sections 108, 109 and 110 of the said Code to a Judicial Magistrate of the first class shall be construed as references to an Executive Magistrate."

The motion was adopted

MR. DEPUTY-SPEAKER : The question is :

"In pursuance of clause (a) of section 478 of the Code of Criminal Procedure, 1973 (2 of 1974), this House resolves that the Central Government may, after consultation with the High Court of Punjab and Haryana, by notification,

direct that, in respect of the Union territory of Chandigarh, the references in sections 108, 109 and 110 of the said Code to a Judicial Magistrate of the first class shall be construed as references to an Executive Magistrate."

The motion was adopted.

15.05 hrs.

ECONOMIC OFFENCES (INAPPLICABILITY OF LIMITATION) BILL

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : I beg to move :

'That the Bill to provide for the inapplicability of the provisions of Chapter XXXVI of the Code of Criminal Procedure, 1973 to certain economic offences, as passed by Rajya Sabha, be taken into consideration."

The Code of Criminal Procedure, 1973 introduces a provision prescribing periods of limitation for taking cognizance of certain offences by courts. The term 'offence' as defined in the Code includes offences not only under the Indian Penal Code but also under the Income-tax and the other direct and indirect taxes Acts as well as various other economic laws. The period of limitation prescribed is six months, if the offence is punishable with fine only, one year, if the offence is punishable with imprisonment for a term not exceeding one year, and three years of the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years. No limitation applies to offences punishable with imprisonment for a term exceeding three years. Offences for which a person can be prosecuted under the direct tax Acts are punishable with fines or imprisonment extending up to two years only. Hence, all these offences will be affected by the periods of limitation prescribed in the Code of Criminal Procedure, 1973. Some of the other Acts like the Customs Act, the Central Excise and Salt Act and the Gold (Control) Act do provide for imprisonment for a term