

13.19 hrs.

**CODE OF CRIMINAL PROCEDURE
BILL—Contd.**

अध्यक्ष महोदय : तीन घंटे क्रिमिनल प्रोसीजर कोड पर रखें थे वह से भी उस पर डिस्कशन हुआ, ज्वाइंट सैलेक्ट कमेटी से भी आ चुका है। अब 3 घंटे 40 मिनट हो गए।

We will now go with a little more speed. Shri Dinesh Joarder is to continue his speech after Lunch.

We now adjourn for Lunch to re-assemble at 14.15 hrs.

13.20 hrs.

The Lok Sabha adjourned for Lunch till fifteen minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at nineteen minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

SHRI KRISHNA CHANDRA HALDER (Ausgram): Sir, 8,000 workers of Delhi Cloth Mills refused their wages and today about 28,000 textile workers of Delhi are on strike. This is a very serious matter. The Labour Minister should make a statement and also intervene in the matter so that the textile workers of Delhi may get their demands fulfilled.

श्री मोहम्मद इस्माइल (बैरकपुर) : यह जो स्ट्राइक चल रही है, इस में मैनेजमेंट की तरफ से प्रोवोकेशन किया गया है। स्ट्राइक पीरियड की वेजेंज एक सैक्शन की दी गई है, बाकी सैक्शन को नहीं दी गई है, बाकी लोग भी इस की डिमाण्ड कर रहे हैं। ता० 4 में स्ट्राइक चल रही है, आज सब ने टोकन स्ट्राइक कर दी है, इस लिये लेबर मिनिस्टर साहब को इस में इंटरवीन करना चाहिए।

श्री मधु लिखड़े (बांका) : अध्यक्ष जी की सम्मति से मैंने 7-8 रोज पहले बड़ा पर दो प्रश्न उठाए थे

MR. DEPUTY-SPEAKER: With the approval of the Speaker? I am not aware of that. You can only make a submission now.

श्री मधु लिखड़े : मैंने दो मामले उठाए थे, एक मामला यह था कि मुंगेर जिले के बड़ैया गांव के एक हरिजन को ज़िन्दा जलाया गया। दूसरा मामला यह था कि इण्डियन कोटन मिलज फंडेशन ने अपने को ट्रेंड यूनियन एक्ट के तहत रजिस्टर करा कर टैक्स की चोरी की थी। अभी तक उन के अपर मंत्रियों का कोई जवाब नहीं आया है। वह मंत्री जो यहां मौजूद हैं, मैं चाहता हूँ कि हरिजन के बारे में वे वक्तव्य दें। कल अम्बेदकर भवन को दिल्ली पुलिस द्वारा घेर लिया गया था :—

MR. DEPUTY-SPEAKER: You are raising so many things now.

श्री मधु लिखड़े : मैं चाहता हूँ कि वह इस के बारे में सफ़ाई द और इण्डियन काटन मिलज फंडेशन के बारे में बयान आये—आप ऐसा डायरेक्शन ।

MR. DEPUTY-SPEAKER: They have heard you.

श्री मधु लिखड़े : आप जब उन को फटकारते हैं, तब ये कार्यवाही करते हैं। हमारी बात आज कल व कहां सुने है।

14.23 hrs.

**CODE OF CRIMINAL PROCEDURE
BILL—Contd.**

Clause 167—(Procedure when investigation cannot be completed in twenty-four hours)—Contd

MR. DEPUTY-SPEAKER: Now we resume discussion on Clause 167 of the Code of Criminal Procedure Bill.

In this connection I would like to say that I have just received notice of an amendment to an amendment from Shri Shivnath Singh. Normally this is not the way how the Chair should be caught unawares. At the last moment some amendment is brought and that creates some difficulties.

In this case I would make it a special case for two reasons. Number one is that Mr. Dinesh Joarder's amendment yesterday was moved very late and because he moved it yesterday, it could be published only this morning. So, it is open to others to move an amendment to that amendment.

Secondly, I was told second hand or third-hand or fourth-hand—put it any way you like—that the Government is willing to accept this amendment of Shri Shivnath Singh. I would have much preferred a straight dealing between the Government and the Chair. Instead of coming in round-about way, whispering in the ear; they could have come directly to me and said that, in the interest of the legislation, in the interest of this Bill, they would be prepared to accept particular amendment. Of course, that is a sufficient reason to make a special case; when the Government is prepared to accept, you have to give due importance to it. But why should they not come directly and say this? That would have been much better rather than catching the Chair unawares.

I will admit this amendment of Shri Shivnath Singh. But in order that the House may be aware of what we are discussing, I will read out what it is....

SHRI DINESH JOARDER (Malda): I am not clear, Sir, whether the Government is going to accept the amendment of Shri Shivnath Singh or the amendment moved by me. . .

MR. DEPUTY-SPEAKER: I will make it clear to you. You are aware of your amendment No. 335 to Clause

167. Now Mr. Shivnath Singh would like that to be amended. He has given notice of that. I will first read out your amendment as it is. This is your amendment;

"the Magistrate may authorise detention of the accused person, otherwise than in custody of the police beyond the period of fifteen days if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this section for a total period exceeding sixty days, and shall if the accused person is prepared to give bail, release him on bail whether the offence or any of the offences under investigation is bailable or not"

Mr. Shivnath Singh would like that the last five lines of your amendment be replaced by these words:

"period exceeding sixty days, and on the expiry of the said period of sixty days, the accused person shall be released on bail if he is prepared to and does furnish bail; and every person released on bail under this section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter".

That is his amendment to your amendment. I will accept it. Are you moving it?

SHRI K. NARAYANA RAO (Bobbili): An amendment to an amendment is not permissible under the rules. You can check up.

SHRI MADHU LIMAYE (Banka): The hon. Member must cite the relevant rule.

MR. DEPUTY-SPEAKER I know that it is permitted.

SHRI K. NARAYANA RAO: As a matter of commonsense.

PROF. MADHU DANDAVATE (Rajapur): Commonsense under which rule?

MR. DEPUTY-SPEAKER: You must credit the Chair with a little knowledge. I would not do anything which is not permitted under the rules. But even so, for your satisfaction, for your information, for your parliamentary education...

SHRI K. NARAYANA RAO: And also enlightenment.

MR. DEPUTY-SPEAKER: Please read rule 87. An amendment may be moved to an amendment which is already proposed by the speaker. What have you to say?

SHRI SHIVNATH SINGH (Jhunjhunu): I move:

That in the amendment moved by Shri Dinesh Joarder, printed as No. 335 in List No. 38 of amendments,—

for the last 5 lines, substitute—

“period exceeding sixty days, and on the expiry of the said period of sixty days, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter”. (353)

MR. DEPUTY-SPEAKER: Mr. Dinesh Joarder, to resume his speech.

SHRI DINESH JOARDER (Malda): Yesterday I was discussing this clause, clause 167 and was trying to impress upon the Government that this clause has wide-ranging implications and that the Government should restrict the period of investigation to a certain limit. If the Government does not like to restrict the period of investigation, in that case, what in practice we are now seeing is that the accused persons are remaining behind the bars for years together as long as the investigation continues. In certain cases, particularly, in the political cases, the accused persons are not being given bail for years together.

So, I was just suggesting to the Minister that you shall have to restrict the period of investigation to a certain extent for all investigation. You may divide the cases in different classes, for punishment extending upto 2 years, for punishment extending upto 5 years and for life imprisonment and for capital sentence, like that. In two or three groups the offences may be classified and for separate classes of offences separate time limit may be fixed for the completion of the investigation.

You are not willing to accept the propositions that I have made in regard to clause 173. I have moved separate amendments to that effect yesterday. I spoke before the House that I do not want to press those amendments in the discussion on the Bill further. I would like that the discussion on the amendments given by me will be ended as soon as the discussion on clause 167 ends. So, I do not want to press upon those amendments any more, but I would just like to request the Government that those aspects should be thought over because we are now going to amend the Indian Penal Code. After the passing of the Indian Penal Code we shall have to again change a bit here and there in the Criminal Procedure Code also. At that time the Department as well as the Ministry should consider the whole issue and if possible at that time bring in new amendments to that effect. This is my request to the Government. Now, I see that the amendment to my amendment, No. 335 is going to be accepted by the Government and we are very much happy about it, though it is not all for which we fought since the last few days here and also in the last session. Still it is somewhat of a still more advancement towards the releasing of the accused persons during pendency of the trial. Definitely we are happy that the Minister has come forward to accept such a small amendment. Though it is a small amendment, still, it has a very wide implication. It has a wide effect. Those accused persons now after two

months in any case will be released. They have to be released if the investigation is not completed within two months. I am also glad that my amendment is to be accepted. I do not know whether Mr. Mirdha is going to announce it, but I have no objection in accepting the amendment moved by Mr. Singh, because it is just to give a better shape to the amendment. There is difference in language but I think it is a better language than what was proposed in my amendment, it is simply changing the language of the amendment and so I have no objection to it. I am happy about it and I express my tribute to the Minister as well as the persons who are behind him in the administration and in the secretariat also because at least good sense has prevailed upon them and they have agreed to this. So, I am happy and to that extent, I am closing my discussion here on other amendments also and whatever is left over, I shall discuss them in the third reading. I shall take only a few minutes' time in the third reading.

I request the Minister one thing. Next time when there is an opportunity to reconsider these clauses, they should make use of that opportunity, and they should reconsider the pernicious clauses which have been incorporated here and such clauses should be amended further. With these words I close.

श्री मधु लिमये : उपाध्यक्ष महोदय, ऐसे बहुत कम मौके मिलते हैं मंत्रियों को बधाई देने के इसलिये मैं इस संशोधन को लेकर राम निवास जी को आपकी मार्फत धन्यवाद देना चाहता हूँ और इनके सलाहकारों को भी। हमारी मलाह मानने के अच्छे नतीजे निकल सकते हैं जिसका एक सङ्गत यह मिल रहा है। अगर इन क्लॉज पर पुनर्वाचर करने के बारे में मेरे सुझाव को ये कभी न मानते, हठ धर्मी करते तो यह एक अच्छा संशोधन जो हुआ वह आज नहीं होता। पहले तो

इन्होंने कहा था मैं कोई संशोधन मानने वाला नहीं हूँ लेकिन हम लोगों के भाषणों का इनके मन पर और दिमाग पर कुछ असर तो पड़ा है। (व्यवधान) विरोधियों का असर दण्डधारियों पर पड़े तभी राज्य अच्छा चल सकता है, दण्डधारियों के प्रभाव में हमको नहीं आना चाहिये। तो मैं इसलिये ज्यादा खुश हूँ कि जिस शकल में 167 क्लॉज हमारे सामने आया था वह अत्यन्त खतरनाक था, उसमें 90 दिन तक पुलिस कस्टडी में लोगों को रखने की बात थी। तो पहले राउन्ड में हम एक लड़ाई तब जीत गए जब 90 दिन पुलिस कस्टडी में रखने के बजाये 15 दिन किये गये पिछले सत्र में इस बार हमको और ज्यादा खुशी है कि जेल कस्टडी, मजिस्टोरियल कस्टडी का भी आपने समय घटाकर तीन महीना कर दिया है और उसके बाद जमानत पर छाड़ने की उमर में बात की है। तो इसका अन्त अच्छा हो रहा है इसलिये मैं फिर एक बार बधाई देना चाहता हूँ और प्रार्थना करता हूँ कि भविष्य में जो हमारे सुझाव हों क्रिमिनल प्रोसीजर कोड को सुधारने के उनपर भी इनायत फर्माकर आप सोचें—इतना ही मुझे कहना है।

श्री शिव नाथ सिंह : उपाध्यक्ष महोदय, क्लॉज 167 के बारे में जैसा कि श्री मधु लिमये जी ने कहा, हमने भी उस पर एतराज किया था कि जिस तरह से इसको अमेन्ड किया जा रहा है उससे बहुत ही हार्डशिप लिटीमेट पब्लिक को होगी, उसमें इन्डेफिनिट पीरियड के लिए एक्यूज्ड को कस्टडी में रखने का प्रवधान था। इसलिये मैंने उस समय भी कहा था और अमेन्डमेन्ट किया था कि 60 दिन के बाद एक्यूज्ड को बेल पर रिलीज कर दिया जायेगा और उसके बाद 33 के प्रावधान लागू हो जायेंगे। इसलिये मैं निवेदन करूंगा कि इस अमेन्डमेन्ट को मंजूर कर लिया जाये ताकि लोगों की हार्डशिप कम हो सके।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): Sir, I don't have much to say except that I accept the amendment moved by Shri Shivnath Singh. Just by way of rebuttal I want to say that there is no question of confrontation between this side and that side. At least so far as this Code is concerned, it is not that anyone won the battle; the Government had always an open mind. We always try to accommodate what the hon. Members want—Members on our side of the House as well as from that side of the House. Shri Singh, particularly, till last night, was telling us that something should be done about this clause.

I am happy to say that after accepting this amendment, this Clause would appear much more acceptable than it was before.

MR. DEPUTY-SPEAKER: Now, before I take up these amendments, I would like to point out that there were two amendments given notice of and moved on the last occasion and they were adopted. They have again to be voted upon.

Here is the difficulty. Amendment Number 280 moved by Shri Shukla, accepted by the Government and adopted by the House relates exactly to the same Clause and to the same lines as the amendment No. 335 moved by Shri Joarder to-day.

SHRI DINESH JOARDER: Not the same.

MR. DEPUTY-SPEAKER: I shall explain it to you. The amendment moved by Shri Joarder to-day and further proposed to be amended by Shri Shivnath Singh is on the same lines. There cannot be two amendments to the same. If you have got amendment Number 280, please look at it. How can we have two amendments to the same thing? There can be only one amendment. Government will now be faced with a delectable

prospect of voting out its own amendment of last time. We have to throw out the amendment voted first before accepting this. I shall put these amendments to the House and follow this procedure.

श्री कृष्ण सिन्हा : उपाध्यक्ष महोदय मेरा पॉइंट ऑफ़ ऑर्डर है अगर नियम को लेकर कोई झड़पन पैदा हुई तो श्री सिन्हा नाथ सिंह और श्री राम निवास मिर्धा परस्पर बात करके कोई रास्ता निकाल सकते हैं

MR. DEPUTY-SPEAKER: I shall explain to you the difficulty. I am only pointing out that I shall put these amendments which were adopted on the last occasion one by one, first. Then I will put the amendment of Shri Joarder, as further proposed to be amended by Shri Shivnath Singh. I shall first take amendment Number 280 moved by Shri Shukla and adopted on the last occasion.

The question is:

'Pages 57 and 58,—

for lines 46 to 51 and 1 to 5 respectively, substitute—

"(a) The magistrate may authorise detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days if he is satisfied that adequate grounds exist for so doing; but no Magistrate shall authorise the detention of the accused person in custody under this section for a total period exceeding sixty days, (herein after referred to as the said period) when none of the offences under investigation is punishable with imprisonment for more than three years unless, for reasons to be recorded by him in writing, he is satisfied that such detention for a period exceeding the said period is necessary in the interests of

justice, and where the Magistrate does not authorise the detention of the accused person in custody for a total period exceeding the said period, he shall, if the accused person is prepared to give bail, release him on bail whether the offence or any of the offences under investigation is bailable or not". (280)

The motion was negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 358 by Shri Shivnath Singh to amendment No. 335 by Shri Dinesh Joarder to vote.

The question is:

That in the amendment moved by Shri Dinesh Joarder, printed as No. 335 in List No. 38 of amendments,—

for the last 5 lines, substitute—

"period exceeding sixty days, and on the expiry of the said period of sixty days, the accused person shall be released on bail if he is prepared to and does furnish bail; and every person released on bail under this section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter". (358)

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 335 by Shri Dinesh Joarder, as amended by amendment No. 358 by Shri Shivnath Singh to the vote of the House.

The question is:

Pages 57 and 58,—

for lines 46 to 51 and 1 to 5 respectively substitute—

"(a) the Magistrate may authorise detention of the accused person, otherwise than in custody of the police, beyond the period of fifteen days if he is satisfied that adequate

grounds exist for doing so but no Magistrate shall authorise the detention of the accused person in custody under this section for a total period exceeding sixty days, and on the expiry of the said period of sixty days, the accused person shall be released on bail if he is prepared to and does furnish bail; and every person released on bail under this section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter". (355 as amended by 358).

The motion was adopted.

MR. DEPUTY-SPEAKER: There is another amendment, namely amendment No. 281 which Government had accepted on the last occasion.

The question is:

Page 58,—

after line 10, insert—

"Explanation—If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention?" (281)

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put the rest of the amendments namely amendments Nos. 123, 124, 184, 202, 203, 266 and 267 to vote.

Amendments Nos. 123, 124, 184, 202, 203, 266 and 267 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 167, as amended, stand part of the Bill".

The motion was adopted.

Clause 167 as amended, was added to the Bill

MR. DEPUTY-SPEAKER: In regard to clause 173, there is a motion for rescission by Shri Dinesh Joarder. Is he moving it?

SHRI DINESH JOARDER: No, Sir.

MR. DEPUTY-SPEAKER: So, the question of amending it does not arise, and clause 173 stands as adopted on the last occasion.

There is a similar motion for rescission in respect of clause 197. Is he moving it?

SHRI DINESH JOARDER: No, Sir.

MR. DEPUTY-SPEAKER: So, the question of taking it up again also does not arise.

Clause 360—(Order to release, on probation of good conduct instead of sentencing to imprisonment).

DR. KAILAS (Bombay South): I beg to move:

"That the decisions of the House in respect of Clause 360 of the Code of Criminal Procedure Bill, 1972, as passed by Rajya Sabha, and the amendment moved thereto, made on 1st September, 1973 be rescinded." (347)

MR. DEPUTY-SPEAKER: The question is:

"That the decisions of the House in respect of Clause 360 of the Code of Criminal Procedure Bill, 1972, as passed by Rajya Sabha, and the amendment moved thereto, made on 1st September, 1973 be rescinded." (347)

The motion was adopted.

MR. DEPUTY-SPEAKER: There is an amendment to this clause moved already by Shri Ram Niwas Mirdha.

DR. KAILAS: I beg to move:

Page 123, line 47,—

for "more" substitute "less" (348)

Due to clerical typing error, the word 'more' was typed and sent to the press but actually it should have been typed "less".

My amendment is, therefore intended to correct that clerical error.

MR. DEPUTY-SPEAKER: I shall now put these amendments one after another to votes.

First I shall put amendment No. 58 by Shri Ram Niwas Mirdha to vote.

The question is:

Page 123, in the marginal heading,—

for "instead of sentencing to imprisonment" substitute "or after admonition". (58)

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 348 by Dr. Kailas to vote.

The question is:

Page 123, line 47,—

for "more" substitute "less" (348)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That clause 306 as amended, stand part of the Bill".

The motion was adopted.

Clause 360, as amended, was added to the Bill.

Clause 1—(Short title, extent and commencement)

MR. DEPUTY-SPEAKER: There is an amendment by Government to rescind, No. 307.

SHRI RAM NIWAS MIRDHA: I moved:

"That the decisions of the House in respect of Clause I of the Code of Criminal Procedure Bill, 1972, as passed by Rajya Sabha, and the amendments moved thereto, made

on 3rd September 1973, be rescinded". (307)

MR. DEPUTY-SPEAKER: The question is:

"That the decisions of the House in respect of Clause I of the Code of Criminal Procedure Bill, 1972, as passed by Rajya Sabha, and the amendments moved thereto, made on 3rd September 1973, be rescinded". (307)

The motion was adopted.

SHRI RAM NIWAS MIRDHA: I moved:

Page 2, line 10,—for "1st day of July 1973".

Substitute—"1st day of April 1974". (309)

MR. DEPUTY-SPEAKER: I shall first put the amendments which had been adopted on the last occasion (Nos 11, 286 and 13).

The question is:

Page 1, line 5, for "1972",

Substitute "1973". (11)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

Page 1, for lines 8 to 11 and page 2, for lines 1 to 4, substitute—

"Provided that the provisions of this code, other than those relating to Chapters VIII, X and XI thereof shall not apply:—

(a) to the State of Nagaland,

(b) to the tribal areas,

but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas,

as the case may be, with such supplemental, incidental or consequential modifications as may be specified in the notification." (286)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

Page 2, line 10, for "1st day of July 1973" substitute "1st day of January, 1974". (13)

Those in favour may say 'Aye'.

SEVERAL HON. MEMBERS: 'Aye'.

MR. DEPUTY-SPEAKER: Those against may say 'No'.

SOME HON. MEMBERS: No.—

MR. DEPUTY-SPEAKER: I would like Government to be a little more alert. What for, the hon. Minister knows. Although it has been accepted, I have not declared it. You can have second thoughts, if you like. I will put it again because you cannot have two amendments to the same thing.

I am referring to amendment No. 13. I will put it again.

SHRI RAM NIWAS MIRDHA: Instead of that, the present amendment should be there.

MR. DEPUTY-SPEAKER: That is the point.

SHRI RAM NIWAS MIRDHA: That amendment concerns the date when this will come into force. As it has taken time to pass this Bill, that is not necessary now.

MR. DEPUTY-SPEAKER: My duty is to put it formally and your duty is to say 'yes' or 'no'. I, as much as any of you or the Government have the responsibility to see that we make laws which are as far as possible properly done. If Government accept two amendments to the same clause, it is my duty to point it out. Therefore, although I had put it and the

[Mr. Deputy-Speaker]

House had said 'yes', I will put it again.

I shall now put amendment No. 13 to the vote of the House.

The question is:

'Page 2, line 10, for "1st day of July, 1973" substitute "1st day of January, 1974".' (13)

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"Page 2, line 10—for "1st day of July, 1973" substitute—"1st day of April 1974". (309).

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill".

The motion was adopted

Clause 1, as amended, was added to the Bill.

SHRI RAM NIWAS MIRDHA: I move:

"That the Bill, as amended, be passed".

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill, as amended, be passed".

श्री मधु लिमये (वांका) : अध्यक्ष महोदय, चूँकि यह अन्तिम वाचन है इस लिये चार प्रमुख बातों की ओर में मन्त्री जी का ध्यान दिलाना चाहता हूँ:-

1. मन्त्री जी ने बारबार कहा कि जिस दण्ड प्रक्रिया को विधेयक को हम लोग अभी

पारित करने जा रहे हैं उस की धाराओं का इस्तेमाल राजनीतिक भ्रान्दोलन को, ट्रेड यूनियन भ्रान्दोलनों को या दूसरे जो सामाजिक और आर्थिक भ्रान्दोलन होते हैं उन को दबाने के लिये नहीं किया जायगा : मेरी मन्त्री महोदय से प्रार्थना है कि जो इस विधेयक का अधिनियम में रूपान्तर हो जायगा तो क्या वह एक परिपत्र जारी करेगा राज्यों की सरकारों और उनके मुख्य मन्त्रियों से कहेगा कि अगर इस दण्ड प्रक्रिया को आप सरुल बनाना चाहते हैं तो उसके पीछे जो भाव है, उस की जो आत्मा है, उस के अनुसार राज्यों में काम होना चाहिये और जो राजनीतिक कार्यकर्ता हैं उन को तंग करने के लिये इन धाराओं का इस्तेमाल नहीं होना चाहिये ?

2. इस दण्ड प्रक्रिया में कई अच्छे संशोधन हुए हैं और पुराना दण्ड प्रक्रिया में वह कई मायनों में अच्छा कानून है, इस में दो राये नहीं हैं, लेकिन पुलिस प्रशासन विगत 26 वर्षों से बिल गिरता जा रहा है : तो पुलिस प्रशासन में अगर कोई प्रशासनिक सुधार आप नहीं करेंगे तो कितने भी अच्छे कानून हम लोग यहां पर क्यों न बनाये, उन पर ठीक ढंग से अमल नहीं हो पायेगा, इस लिये पुलिस प्रशासन को सुधारने की कोई ऐसी योजना बनाये जिस में कार्य-क्षमता भी आ जाय, लेकिन साथ-साथ वह मानवीय दृष्टिकोण को भी अपनाये और डण्डे का या थर्ड डिग्री का जो वे प्रयोग करते हैं, उस को समाप्त करे। कई जगह पर पुलिस का अपराधियों और समाजद्रोही तत्वों के साथ गठबन्धन है : मुगल सराय में कितने वैगन्ज की चोरी होती है। नन्दा जी ने खुद एक उत्तर में बताया था कि 75-80 लाख की चोरी होती है। यहां रेल मन्त्री जी भी बैठे हुए हैं अगर पुलिस का और समाजद्रोही लोगों का गठबन्धन होगा तो लाख कानून बनाइए, दस क्रिमिनल प्रोसीजर कोड पास कीजिए कोई नतीजा नहीं होने वाला है। इसलिए स्ममलर के साथ, समाज-द्रोही तत्वों के साथ, चोरों और डकैतों के साथ पुलिस का जगह-जगह

जो गठ-बन्धन है उस को तोड़ने के लिये भी आप क्या कर रहे हैं इसके बारे में भी सदन को वह विश्वास में से ।

(3) यह जो नई दण्ड प्रक्रिया हम लोग पास कर रहे हैं उस में मुलाजिमों के अधिकारों का बहुत ख्याल किया गया है जो कि कार्य-प्रणाली के सुधार की दृष्टि से अच्छी बात है । तो मुलाजिमों के बारे में भी पुलिस प्रशासन को और मैजिस्ट्रेट को, खास कर एंजीक्यूटिव मैजिस्ट्रेट्स को आप को हिदायत देनी चाहिये कि भविष्य में वह इस का ध्यान रखे कि मुलाजिम भी इन्सान हैं और उन के अधिकारों का भी उन को लिहाज रखना चाहिए । इस के बारे में भी कुछ उपदेश या कुछ हिदायत इन लोगों को मिलनी चाहिए ।

(4) अन्तिम बात में यह कहना चाहता हूँ कि जूडिशियल मैजिस्ट्रेट का अधिकार-क्षेत्र इस दण्ड प्रक्रिया में बढ़ाया गया है जो स्वागत वाली चीज है । लेकिन मैं चाहूंगा कि सभी राज्यों में जो संविधान का निर्देश है कि न्यायालय और कार्यपालिका इन का पूर्णतया अलग हो, इस के ऊपर हर क्षेत्र में मन्त्री महोदय को देखना है, मन्त्री महोदय का यह दायित्व है कि संविधान की इस धारा के ऊपर इस निर्देश के ऊपर अमल होता है या नहीं और जल्द से जल्द होता है या नहीं, इस को वह देखें और इस के ऊपर उन को सावधान रहना चाहिये ।

इस तरह से अन्त में एक बहुत ही चिन्ता-जनक बात की ओर ध्यान दिलाना चाहूंगा जिस का मुझे पता चला है, मैं किसी की आलोचना इस में नहीं करूंगा लेकिन एक बात मैं आप के सामने रखना चाहूंगा कि हमारे हाई कोर्ट्स को बहुत सारे सुपरिटेडेट्स के अधिकार हैं जो कि सुप्रीम कोर्ट को नहीं हैं । हाई कोर्ट वाले प्रशासनिक इन अधिकारों का मैजिस्ट्रेट्स की कार्य-प्रणाली को सुधारने के लिए जो इस्तेमाल करना चाहिए वह इस्तेमाल नहीं करते ।

बल्कि दूसरी ओर से एक अनिष्ट चीज मैंने पाई कि अब सुप्रीम कोर्ट के द्वारा भी हाईकोर्ट के ऊपर आक्रमण शुरू हुआ है । मेरे कान में एक बात आई है कि मुख्य न्यायाधीश श्री ए० एन० राय की नियुक्ति वैध थी या नहीं, इस के बारे में दिल्ली हाई कोर्ट में मुकदमा चल रहा है है (अवधान)

MR. DEPUTY-SPEAKER: Order, please.

These are extraneous matters.

श्री मधु लिमये : मैं किसी की आलोचना नहीं करूंगा । संविधान की धारा है . . .

MR. DEPUTY-SPEAKER: We have to be careful. You should be careful. In the first place, this is extraneous to this Bill.

श्री मधु लिमये : मैं बहुत केयरफुल रहूंगा । मैं उन की विलकुल आलोचना नहीं करूंगा ।

MR. DEPUTY-SPEAKER: How the High Courts function, how the Supreme Court functions—all that cannot come here. That is the first thing.

श्री मधु लिमये : उस में कई धाराएं हैं : यहां कई वकील मित्र बैठे हैं : वह मेरी बात की ताईद करेंगे ।

MR. DEPUTY-SPEAKER: Order, please. I am on my legs. Secondly, we have to be very careful that we do not reflect upon the functions of the courts. I would request you not to pursue that.

श्री मधु लिमये : रेफ्लेक्शन में कास्ट नहीं करूंगा :

MR. DEPUTY-SPEAKER: But this is extraneous. Let us confine ourselves to the Bill.

श्री मधु लिमये : एक्सट्रेनियस कैसे है ? आप मानेंगे कि क्रिमिनल प्रोसीजर कोड में जो लिबरल धाराएं हैं उन पर अमल नहीं होता

[श्री मधु लिमये];

है। मैजिस्ट्रेट और दूसरे कोर्ट्स करते नहीं। उस के ऊपर हाई कोर्ट को सुप्रीटेन्डेंट का अधिकार है। मैं आप की मारफत हाई कोर्टों के सभी मुख्यन्यायाधीशों से प्रार्थना कर रहा हूँ कि संविधान के तहत आप जो व्यापक अधिकार दिये गये हैं उन का न्याय प्रणाली की विशुद्धता कार्यक्षमता के लिये और न्याय दिलाने के लिये इस्तेमाल होना चाहिये। जो रें साहब का मामला दिल्ली हाई कोर्ट के सामने है, उस केस में जल्दबाजी में सुप्रीम कोर्ट को फैसला नहीं करना चाहिये, पहले हाई कोर्ट में हो कि रें साहब की नियुक्ति सही है या नहीं है—मैं कोई रिफ्लेक्शन नहीं कर रहा हूँ—मैं कहता हूँ हाई कोर्ट को पहले फैसला कर लेने दीजिये, उस के बाद मामला सुप्रीम कोर्ट में जायेंगा तब वह फैसला करेगा, लेकिन इस तरह से हस्तक्षेप करना अनुचित है, संविधान की कार्य-प्रणाली के खिलाफ है।

SHRI B. R. SHUKLA (Bahraich): Sir, at the very outset, I wish to pay tributes to the Minister, Shri Mirdha, who successfully piloted this important Bill. At every stage of the deliberation, whether before the Joint Committee or before this House, a spirit of conciliation, appreciation and accommodation was adopted and no prestige issue was raised by the ministry. From every section of this House, this spirit and attitude has been appreciated and compliments have been paid even by the bitterest critic of the Government, Shri Limaye. His point of view has always been tried to be appreciated. After the Constitution, if there is any other law which affects the millions of this country, their right to property, right to assembly etc., it is the Cr. P. C. It was enacted during the British regime and naturally, in order to perpetuate their stranglehold on the people of this country, they wanted to strengthen the police. Because of the excessive power vested in the police and the magistracy during the

imperial regime, a hatred was created against the police and the magistracy. Therefore, many of us, while considering the provisions of this Bill, have been abashed with the outmoded ideas and not tried to understand the provisions in the new perspective after independence.

I would not take much time of the House because it is a very exhaustive code, but I shall certainly like to point out certain very basic improvements in this code. The institution of honorary magistrates was a discredited one. Those magistrates were stooges of the power under the British regime. Many of them were almost illiterate or semi-literate and incompetent. Now very healthy safeguards have been provided in this Bill. The High Court will ultimately make the appointments to this office. Their powers have also been curtailed.

The power of the police has been curtailed. Mr. Limaye pointed out that third degree methods are being resorted to by the police during the course of the investigations. A very salutary measure has been inserted in the present code and an accused person, who has received injury at the hands of the police during the investigation, would have a right to have been sufficiently liberalised. The a doctor of his choice. The time ceedings. Provisions relating to bail proceeding has been done away with. Now cases exclusively triable by a court of sessions would be instituted directly in the court of sessions and there would be no committal proceedings. Provisions relating to bail have been sufficiently liberalised. The innocent citizen should not be harassed and his liberty should be preserved. At the same time, society should not suffer because of the unruly and unsocial elements. The police should be strengthened only in order to secure the welfare of the society. Peace and liberty should be maintained and there should be a fair trial even to the worst criminal. Taking into consideration all these different claims of society and individuals, the provi-

sions have been harmoniously blended in this code. It is an exhaustive code, and therefore, we cannot claim perfection. During the passage of this Bill, many new thoughts and after-thoughts have occurred and they have been accommodated in this code. There may be flaws here and there unintentionally and they can be rectified at a later stage when they are brought to our knowledge through experience.

15 hrs.

SHRI DINESH JOARDER: Sir, we are now going to pass this Bill. This is a new code altogether. It has 483 clauses with a big annexure and many schedules. It is a code effecting mainly the common people of our country in the villages and urban areas, who are struggling every day for their existence against exploitation. There is a certain class of people here who are controlling the administration and government machinery at different stages. The ruling party is representing them and they are still protecting their interests against the interests of the vast millions of our people. In doing so, the police administration is coming to the help of the ruling class and the ruling party. Actually, the police are still being utilised for exploitation and curbing the mass political movements and democratic movements in our country. Our Parliament and State Legislatures have passed many laws about land reforms, trade union movement, wages of labourers etc. But in practice none of these laws is able to give any relief to the exploited class. Our experience is the police force is still the same as it was during the British regime. With the same mentality and psychology, they are working against the common people. The same heritage and tradition are still being followed by the police administration.

In the society in which we live under the Congress regime since Independence, the protection against harassing and unjust prosecution and convictions is more important than

the question of the conviction of the really guilty. That the guilty persons are being tried and being convicted is all right. But much more people than the convicts are being harassed every day by the police force and the police administration. Either in connection with political movement or other democratic movements, the land reforms movement, the trade union movement, and all that, every day, thousands and thousands of people in our country are being harassed under several provisions of the Criminal Procedure Code and other criminal laws. So, I would like to tell the hon. Minister that simply passing this Code will not meet the purpose. They should also give some thought as to how the police administration could be geared up and how the police administration could be changed to fit in the present form of our society.

Without changing the environment and political and social conditions, the talk of bringing the guilty to punishment and solicitude for orientation of the Criminal procedure Code to that purpose will pave the way for harassment of the innocent and oppressive dictatorship of the ruling class over the people. The most important reform of the Code of Criminal Procedure must be towards the humanisation of the entire procedure. As it is, the entire Code that we are going to pass has still the ingredients which bear the imprint of an imperialist legislation. It is harsh and, in many respects, cruel to an accused person.

In connection with any political or any other movement, the innocent persons or even the persons taking part in political movement are being brought to court. There is no classification given by the court. They are treated simply as ordinary criminals on political grounds or for taking any part in political movement of any other democratic movement. Our society is a democratic society. Every person has a right to move about for the betterment of the people. In that connection, if he is arrested on political grounds or for taking any part in political movement or any other

[Shri Dinesh Joardar]

democratic movement, he is not given any classification by the court. He is treated as an ordinary criminal just like a thief or something like that. I would request the hon. Minister to consider these facts.

I would like to mention here that even this Code has given wide powers to the police. First there is the right of the police to arrest without warrant. In clause 41, wide powers have been given to the police. Even now, we are going to give the same powers to the police which they had during the British regime, that is, to arrest people without warrant. We are told now that we are going to transform our society into a socialist society. You should at least consider those things that we find in other socialist countries.

Here is the Russian Code. I want to mention here what should be the ingredients for arrests, for taking away the democratic rights and liberties of a free citizen of a free country. It is said in socialist countries, there is no democracy and that the people have no rights. Just to mention these things, I say, in socialist countries, the people enjoy much more democratic rights than what the people enjoy in our own country or what the people enjoy in other free democratic countries of the world. I want to show you how ordinary citizens in socialist countries enjoy personal liberty and democratic rights. You have provided no checks to the police officer in arresting innocent persons. This is what happens in Russia. Article 176 of the Russian Code says:

"The institution of criminal proceedings against persons known to be innocent. The institution of criminal proceedings against a person known to be innocent by a person conducting an inquiry, by an investigator or by a procurator, shall be punished by deprivation of freedom for a term not exceeding three years."

That means that, if a police officer or a procurator or a court arrests an innocent person or a person who is proved later on as an innocent person but in spite of that the person was arrested, in that case, the police officer or the court or the procurator will be punished by deprivation of freedom for a term not exceeding three years. There is a check.

Article 178 says:

"Arrest or Detention known to be illegal:

"Arrest known to be illegal shall be punished by deprivation of freedom for a term not exceeding one year. Detention known to be illegal shall be punished by correctional tasks for a term not exceeding one year or by dismissal from office."

It is even dismissal from office. So, there is a check on arresting innocent persons by a police officer or government machinery.

I want to mention some other articles also. This is how the arrested persons are treated in Russia. I will just read it out. You have made a concession here that, if a person is arrested, he will be given bail after two months, i.e., sixty days. We have now accepted that amendment. Still what is the condition? Even if he is an innocent person, he shall have to undergo an undertrial punishment for two months i.e., sixty days. Now what is the position in Russia—when a person can be arrested, what will be the position of the arrested person and how he will be treated?

"If there exist sufficient grounds for supposing that an accused will hide from an inquiry, preliminary investigation or court or that he will hinder the establishment of the truth in a criminal case or that he will engage in criminal activity and also in order to secure the execution of a judgment, the person conducting the inquiry, investigator, procurator or court shall have the

right to apply to the accused one of the following measures of restraint."

Not arrest; they will not arrest; they will apply measures of restraint only. And what are those measures of restraint?

"A signed promise not to depart"

A suspected person will sign a document that he will not depart.

"personal surety, surety of social organisations and confinement under guard."

Confinement under guard; not jail; not taking away the liberty and democratic rights; not putting him behind the bars; only confinement under guard. This is the procedure followed in Russia. Persons are not forthwith arrested by police officers there. Under very suspicious circumstances, the person's liberty and democratic rights are treated delicately and cautiously.

Now what is the check for conclusion of an investigation? Here you have provided no time limit for completion of an investigation; no time limit is there; under Clause 173, you have only provided that the investigation should be completed as early as possible. In Soviet Russia, the position is as follows:

"In cases for which preliminary investigation is obligatory, the inquiry must be completed not later than ten days from the day the case is initiated."

There is a time limit in Soviet Russia. But here, in our Code, we have no such time limit. It is also said here:

"In cases where preliminary investigation is not obligatory, the inquiry must be completed not later than one month from the day the criminal case is initiated."

In that case, the period specified is one month. So, there is a time limit

for completion of investigation. But here we have no such time limit. Now what is the condition that will arise even after we have accepted the amendment today? When the investigation is going on, or during investigation, a person cannot be detained for more than two months. But say, for instance, if the investigation is completed within two months and the trial is not completed within that period, in that case, the accused person shall have to undergo undertrial punishment. That means...

MR. DEPUTY SPEAKER: All these points were made during the discussion on the clauses. This is Third Reading.

SHRI DINESH JOARDER: I am trying to impress upon the Minister that he should change the policy towards the Police administration and he should change the Police administration laws.

Again, under what circumstances can a person be arrested? That is laid down very clearly in the Russian Code:

"An agency of enquiry shall have the right to detain a person suspected of committing a crime for which punishment may be assigned in the form of deprivation of freedom, only if one of the following grounds exists..."

What are those grounds? Under what circumstances can deprivation of freedom take place? They said:

MR. DEPUTY SPEAKER: Why cannot you give that book to the Minister so that he may read it?

SHRI DINESH JOARDER: I am placing this matter before the whole country.

PROF. MADHU DANDAVATE: What guarantee is there that he will read it?

SHRI DINESH JOARDER: These are the grounds:

[Shri Dinesh Joarder]

"(1) when such person is caught committing the crime or immediately after committing it;"

That is when he is caught red-handed. Then the second ground is:

"when eye-witness, including victims, directly indicate the given person as the one who has committed the crime"

That means that there is sufficient evidence of the eye-witness and also of the victim. And, lastly:

"When obvious traces of the crime are discovered on the suspect or on his clothing, where he is, or in his dwelling."

Only under these three conditions, a person can be arrested and deprivation of freedom can be resorted to. Those are the factors and checks are there all through the criminal administration in the Soviet Russia.

Now I would only mention a few lines from the Chinese Code.... (Interruptions). The hon. Member opposite is talking of socialism but what the socialist States are, he should know (Interruptions).

DR. KAILAS (Bombay South): We know China and we know Russia. Our socialism is totally different from these countries.

SHRI DINESH JOARDER: Here, it is written what the psychology behind the criminal administration is there in the People's Republic of China.

"Although the criminal law of the People's Republic of China is a necessary measure for the State's regulation of activities and for the struggle against crime, it is not a fundamental measure but only a supplementary one. During the period of our country's transition to socialism, the role of the criminal law in guaranteeing this transition

is of major significance. We need a revolutionary legal system; we are not utopians...."

This is the philosophy?

MR. DEPUTY-SPEAKER: Philosophy?

SHRI DINESH JOARDER: I am finishing in two minutes.

".... But in the construction of socialism in our country the criminal law only plays a supplementary role. The undertakings of our country's socialist economic and the cultural construction are themselves the foundation and the guarantee for the prevention and elimination of crime in our country. But in the countries of the exploiters, the system of exploitation which a small number of rulers strive to preserve is itself something that ceaselessly creates and produces crime."

MR. DEPUTY-SPEAKER: You are going far beyond the scope. I suggest to you that you arrange a lecture on the philosophy behind criminal law and I will attend your meeting.

SHRI DINESH JOARDER: Most humbly, I want to mention a few things and for this reason I have not pressed other amendments.

I am not speaking on other amendments. Let me finish this sentence....

MR. DEPUTY-SPEAKER: Such a long sentence for one whole page!

SHRI DINESH JOARDER: It says:

"The contradictions between the ruling class of a small number of exploiter groups and the vast class of labouring masses who are ruled are irreconcilable and develop more sharply every day. In order to protect the interests of the minority exploiting class the rulers resort to violence. And the criminal law has become one of their principal measures for putting into effect this kind of violent rule."

This is the state of affairs. Today what we feel is, unless the entire police administration is overhauled and changed, it will not meet the requirements of society. Otherwise what we feel is that these criminal laws will be applied only to curb political and other movements which are helping to bring about the transition of our society into a socialistic society. This will not come up unless your whole attitude is changed towards criminal law.

SHRI K. NARAYANA RAO (Bobilli): With due respect to the Law Commission and the great study that they have made and also the troubles taken by the Joint Select Committee, I confess I cannot see much substantial changes in the structure and the content of the present Code. The Law Commission by and large has confined itself for reviewing conflicting decisions and interpretation of various sections and recommended change in the languages of the respective sections. That is the broad approach. There may be certain changes which arise such as abolition of the jury and abolition of the system of honorary magistrates but they do not touch on the vital aspects of the problem. This Act was passed in 1898. If you compare the present Act with the previous Act you will see every sub-title is virtually common.

MR. DEPUTY-SPEAKER: What is the purpose of your speech? Please say either you support or you oppose.

SHRI K. NARAYANA RAO: No, Sir. As a member I have to express my views. The very fact that certain amendments have been brought forward by the Government even after Rajya Sabha has passed it clearly shows what they have not come to grips with the problem. There is vital need and necessity so refer this to another learned body to simplify the whole procedure. The 1898 Code was made at a time when Indian citizens did not enjoy personal liberties and fundamental rights which are now

guaranteed under Art. 21 of the Constitution. By amending this Code the changes in our political structure ought to have been kept in mind. The code should be reformed in the light of the changed situation after independence. This is my submission.

श्री आर० बी० बड़े (खारगोन) :

उपाध्यक्ष महोदय, मैं शासन को धन्यवाद देता हूँ कि उसने, जो क्रिमिनल प्रोसीजर कोड पास होने जा रहा है, उसकी कुछ धाराओं के सम्बन्ध में हमको एकामोडेट कर लिया है। लेकिन मैं मंत्री महोदय को बताना चाहता हूँ कि गांवों में क्रिमिनल प्रोसीजर कोड किस प्रकार एप्लाइ होता है और पुलिस का कैसा नंगा नाच होता है। उन्होंने 107, 108, 109 और 110 में जो अमैंडमेंट्स हमने दिए उनको नहीं माना लेकिन 167 सेक्शन में उन्होंने अमैंडमेंट्स मान लिए हैं। इसके लिए मैं उन को धन्यवाद देता हूँ। 144 धारा के बारे में मेरा यह कहना है कि उसका बहुत फ्रीली उपयोग करते हैं और पुलिस को उसमें अधिकार दिया है, तो अब भी वह धारा लागू की जाय तो जरा ध्यान देकर उसको लागू किया जाय। यही मेरी आखिरी बिनती है।

SHRI P. G. MAVALANKAR (Ahmedabad): I want to give one illustration. If you, Mr. Deputy Speaker, Sir, can give me one minute. While congratulating the Minister for improving this Bill and considering it as a Bill in the right direction, I want to tell him one thing. Please see to it that the police administration in our country is so arranged that the improvements made in this Bill are in the direction of improvement and enlargement of our fundamental rights.

I want to illustrate this. Shri Atmarambhai Bhatt, a veteran Sarvodaya worker from Bhavanagar in Saurashtra, Gujarat, had been coming right near the Parliament House and you Sir, will be surprised to know that even while there has been this

[Shri P. G. Mavalankar]

hot discussion here, not once but twice, Shri Bhatt was handcuffed by the police. He was taken to the Court by the police, handcuffed! This is not right. I want the Government to be liberal in whatever they will be doing in regard to implementation of this Bill.

SHRI RAM NIWAS MIRDHA: Well, Sir, I am grateful to the hon. Members for the good words they have said about me personally and the attitude of the Government in making amendments in this Code. There is not much time and I would only refer to certain things that were said here. For example, many Members have said something about the police administration and they said that all the good that is intended in these amendments may not accrue if the police administration is not improved.

We are conscious of the fact that the police administration should improve. But, one submission I would like to make to the hon. Members is that we should not have a perpetual sense of distrust against the police. They are not as they used to be—arm of an alien and oppressive Government. They are a limb of the law enforcing machinery of the popular Government and whatever criticism we make should be objective if not sympathetic to the police. The improvement can only be effected in an atmosphere of trust and confidence in the police force as such. The police is improving their standards. The standard of education of recruits is improving and we, in our ministry, are very keen that there should be an extensive training programme to increase their competence by giving them more and more facilities for improving their qualifications. They are trying to modernize the methods of investigation and detection of crime.

So, Sir, I would appeal to the hon. Members to take a sympathetic view of the very difficult and delicate task that the police have to perform in our

country. We shall do everything we can to see that the police administration improves as much as possible so that the real intentions behind some of the progressive measures that we are adopting would be fulfilled.

There were certain other things which were said. I would not go into them. I would say that this Code was first considered by the Law Commission and then by the Home Ministry and then by the Joint Committee and by this House. We, on this side, and I myself particularly, have been always not only willing but also anxious to see that the views that come from this side or from the other side are accommodated. Many of the suggestions, I am sorry, I have not been able to accept. That is because of the situation existing in the country at present. As such we cannot accept those amendments. But, I fully appreciate the spirit of the hon. Members behind these suggestions. I not only appreciate them but I am also in full sympathy with them. I hope that whatever improvements we have made would be implemented in proper spirit and that we would have a code worthy of this free country of ours. We have tried to limit the restrictions and restraints on the freedoms of our citizens and we have tried to strike a balance between these freedoms and the necessity of maintaining a stable and a peaceful society. The restraints are the minimum possible that we need for our society to work and to flourish peacefully.

With these words, I thank the hon. Members for the cooperation and assistance they have given us for piloting the Code.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.