

SHRI BHUPESH GUPTA: Sir, this is a Bill in which many of the Constitutional changes are included.

MR. DEPUTY CHAIRMAN : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

The motion was adopted.

SHRI BHUPESH GUPTA: Sir, I introduce the Bill.

SHRI BHUPESH GUPTA: Sir, I beg to move for leave to introduce a Bill to protect the publication of reports of proceedings of Parliament.

The question was proposed.

SHRI BHUPESH GUPTA : Sir, this Bill is called ‘Parliamentary Proceedings (Protection of Publication) Bill, 1976.’ It is the revival of the Feroze Gandhi Act with slight modifications to bring it inline with the present situation so that the communal and other things are not permitted.

MR. DEPUTY CHAIRMAN : The question is :

“That leave be granted to introduce a Bill to protect the publication of reports of proceedings of Parliament.”

The motion was adopted.

SHRI BHUPESH GUPTA : Sir, I introduce the Bill.

SHRI BHUPESH GUPTA : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was proposed.

SHRI BHUPESH GUPTA : Sir, this Bill provides for the formulation of Standing Committees of Parliament which will give jurisdiction to the Members of Parliament sitting in Committees to oversee the work of the administration and the

work of the bureaucracy and this makes the functioning of Parliament more meaningful and effective.

MR. DEPUTY CHAIRMAN : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

The motion was adopted.

SHRI BHUPESH GUPTA : Sir, I introduce the Bill.

MR. DEPUTY CHAIRMAN : Yes, Mr. Anand Narain Mulla.

SHRI INDRADEEP SINHA : Sir, Mr. Bhupesh Gupta has introduced three Bills, one after another. We are unable to understand what they are all about.

MR. DEPUTY CHAIRMAN : No. no. I have called Mr. Mulla.

THE INDIAN PENAL CODE (AMENDMENT) BILL, 1972]

SHRI ANAND NARAIN MULLA (Uttar Pradesh) : Mr. Deputy Chairman, Sir, the Bill that stands in my name is the Indian Penal Code (Amendment) Bill, 1972. It was introduced in this House more than four years ago but it is only today that it has come up before this House for discussion. Now during these four years much has happened and the Parliament appointed a Joint Select Committee for a second look up of the entire Indian Penal Code. The report of that Committee has been presented to the House and I believe the Bill is going to be shortly moved before this House based on the recommendations of the report.

I find that in the Indian Penal Code (Amendment) Bill which is before the House the following clause 124 has been incorporated. It reads :—

“For section 302 of the Penal Code, the following section shall be substituted namely :—

“302. (1) Except in the cases specified in sub-section (2) whoever commits murder shall be punished with imprisonment for life and shall also be liable to fine.

(2) Whoever commits murder shall,—

(a) if the murder has been committed after previous planning and involves extreme brutality; or

(b) if the murder involves exceptional depravity; or

(c) if the murder is of a member of any armed forces of the Union or of any police force or of any public servant whose duty it is to preserve peace and order in any area or place, while such member or public servant is on duty,

be punished with death, or imprisonment for life, and shall also be liable to fine.”

Thus, it is very evident that the amendment proposed by me has been fully incorporated in the amended Indian Penal Code Bill which is before this House. As the Government has been pleased to incorporate the entire amendment suggested by me, I think no useful purpose would be served by me trying to advocate this Bill now before the House. I, therefore, take your leave to withdraw this Bill.

MR. DEPUTY CHAIRMAN : The question is :

“That leave be granted to the Mover to withdraw the Indian Penal Code (Amendment) Bill, 1972.”

The motion was adopted.

SHRI ANAND NARAIN MULLA : Sir, I withdraw the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 1972

SHRI ANAND NARAIN MULLA (Uttar Pradesh) : Mr. Deputy Chairman, Sir, this Bill is going to share the same fate which was of the earlier Bill placed by me before this House. This Bill was also introduced by me more than four years ago. In the meantime, the Criminal Procedure Code has been amended by Act 2 of 1974 and the relevant section is section 384. That section reads as follows :—

“384. (1) *Summary dismissal of appeal.*—If upon examining the petition of appeal and copy of the judgment received under section 382 or section 383, the Appellate Court considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily :

Provided that—

(a) no appeal presented under section 382 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same ;

(b) no appeal presented under section 383 shall be dismissed except after giving the appellant a reasonable opportunity of being heard in support of the same, unless the appellate Court considers that the appeal is frivolous or that the production of the accused in custody before the Court would involve inconvenience disproportionate in the circumstances of the case; and

(c) no appeal presented under section 383 shall be dismissed summarily until the period allowed for preferring such appeal has expired.

(2) Before dismissing an appeal under this section, the Court may call for the record of the case.

(3) Where the Appellate Court dismissing an appeal under this section is a Court of Sessions or Chief Judicial Magistrate it shall record its reasons for doing so.