

[20 November, 2002]

RAJYA SABHA

**Enactment of Corrupt Public Servants (Forfeiture of Property) Bill**

100. SHRI K. RAHMAN KHAN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Law Commission has submitted a report recommending enactment of Corrupt Public Servants (Forfeiture of Property) Bill; and

(b) if so, the details in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANAKRISHNA-MURTHY): (a) The Law Commission submitted its 166th Report on "The Corrupt Public Servants (Forfeiture of Property) Bill".

(b) The aforesaid Report has already been laid on the Table of the House on 28-10-1999.

**Setting up of High Courts in North-Eastern States**

101. SHRI MATILAL SARKAR: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of High Courts existing in the country at present;

(b) whether the Government have any plan to set up some more High Courts in the North-Eastern States of the country;

(c) if so, the details in this regard; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANAKRISHNAMURTHY): (a) There are 21 High Courts in the country at present.

(b) to (d) The Governments of seven States of North-Eastern region were informed in 1987 of the decision of the Central Government for setting up of separate High Courts for these States, and pending Parliamentary legislation for the purpose, for establishing permanent Benches of the Gauhati High Court in the Capitals of these States. The permanent Benches of the Gauhati High Court have been established in the Capitals of these States, except Assam, where the Principal seat is located, as and when the concerned State Governments have provided requisite infrastructural

facilities. The last such Bench has been established at Itanagar in Arunachal Pradesh with effect from 12th August, 2000.

The Governments of Tripura and Manipur had proposed setting up of separate High Courts for their respective States. However, in view of the workload, the State Governments were informed that the existing permanent Benches of the High Court at Agartala and Imphal are sufficient for the present.

### **Legal bar on witnesses turning hostile in courts**

102. SHRI JANARDHANA POOJARY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that there is no legal bar for witnesses in a case to retract their statements made before the investigating authorities and turn hostile in the court of law;

(b) whether it is this tendency among the witnesses that is hampering conviction of the culprits in a number of cases; and

(c) whether there is any proposal to bring in a legislation or evolve a mechanism whereby statements once made before, say a Magistrate, is treated as final deposition and cannot be retracted or withdrawn either by the accused or the witnesses in a case?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) to (c) Section 162 of the Code of Criminal Procedure, 1973 provides that no statement made by any person to a police officer in the course of an investigation shall, if reduced to writing, be signed by the person making it. To prevent the problem of witness turning hostile, the Law Commission in its 178th Report has, *inter-alia* recommended insertion of Section 164-A after Section 164 of the Code of Criminal Procedure, 1973. A copy of the proposed Section 164-A is given in Statement (See below). The same would be processed in consultation with the State Governments as the Criminal Law and Criminal Procedure are on the Concurrent List of the Seventh Schedule to the Constitution of India. It is, however, not feasible to fix time frame for this.