

THE CODE OF CRIMINAL PROCEDURE (DELHI AMENDMENT) BILL, 2011

A

BILL

further to amend the Code of Criminal Procedure, 1973, in its application to the National Capital Territory of Delhi.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty-second Year of the Republic of India as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Code of Criminal Procedure (Delhi Amendment) Act, 2011.

(2) It shall come into force on such date as the Lt. Governor of National Capital Territory of Delhi may, by notification in the official Gazette, appoint.

**2. Amendment of section 8.-** In section 8 of the Code of Criminal Procedure, 1973, in its application to the National Capital Territory of Delhi –

(a) in sub-section (1), for the words “a city or town”, the words “a city or town or part thereof” shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) The State Government may, by notification divide a metropolitan area into two or more such areas or extend or reduce or alter the limits of a metropolitan area:

Provided that-

(a) the division of metropolitan area shall not be so made as to result in the population of any of the areas into which it has been divided being less than one million; and

(b) the reduction or alteration of metropolitan area shall not be so made as to reduce the population of such area to less than one million.”;

(c) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) Where any metropolitan area is divided under sub-section (3), the High Court may issue such directions as it deems fit with respect to the disposal of the proceedings pending immediately before such division before any Magistrate or court having jurisdiction in respect of such area.”.

*Debate*

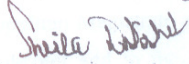
## STATEMENT OF OBJECTS AND REASONS

As per the existing scheme of the Code of Criminal Procedure, 1973, metropolitan area is one legal entity comprising a city or a town whose population exceeds one million. Once a city or town has been declared as metropolitan area, then, such metropolitan area has necessarily to comprise one sessions division and district. The provisions in the Code do not expressly provide as to whether a part of the city or a town whose population exceeds one million could also be declared as metropolitan area, or a city or a town, could also be so divided in several metropolitan areas in a manner that the population of each such area exceeds one million. Under the present scheme, therefore, it is not open to the State Government to divide a city or a town in several metropolitan areas so that each metropolitan area may comprise one sessions division and for dispensation of justice at the door step even a big city could be divided into several metropolitan areas and for that matter in sessions divisions and districts.

In order to remove this legal difficulty and with a view to empower the State Governments to declare even a part of a city or a town as a metropolitan area ensuring, at the same time, that the population of each part or area exceeds one million, so that more than one sessions court could be appointed in a city or a town to serve a particular area and thus bringing courts of justice nearer to the masses, the present Bill has been proposed. It has become necessary to amend section 8 of the Code of Criminal Procedure, 1973 in its application to the NCT of Delhi.

Hence, this Bill.

New Delhi  
Dated:

  
(SHEILA DIKSHIT)  
CHIEF MINISTER

## FINANCIAL MEMORANDUM

Under sub-section (1) of section 17 of the Code of Criminal Procedure, 1973 the High Court shall, in relation to every Metropolitan Area within its local jurisdiction appoint a Metropolitan Magistrate to be the Chief Metropolitan Magistrate for such Metropolitan Area. Sub-section (2) of section 17 of the said Code further provides that the High Court may appoint any Metropolitan Magistrate to be an Additional Chief Metropolitan Magistrate, and such Magistrate shall have all or any of the powers of a Chief Metropolitan Magistrate under that Code or under any other law for the time being in force as the High Court may direct.

At present, Delhi, being a single Metropolitan Area, is having one Chief Metropolitan Magistrate and four Additional Chief Metropolitan Magistrates have been appointed by the High Court in terms of sub-section (2) of section 17 of the said Code. It is proposed to divide Delhi into nine Metropolitan Areas corresponding to the nine proposed Sessions Divisions. Each Sessions Division will be headed by a District and Sessions Judge and each Metropolitan Area by a Chief Metropolitan Magistrate assisted by an Additional Chief Metropolitan Magistrate. This would not add to the overall strength of the Delhi Higher Judicial Service as this would involve only re-designation of the existing posts. Thus, no fresh financial implications would be involved in this exercise. As regards the ancillary staff, for the present, same would be provided from the existing strength.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The proposal does not require any delegation of powers to any administrative authority, so no memorandum regarding delegation of legislation is required.