

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE
LOK SABHA
UNSTARRED QUESTION NO. 6107
TO BE ANSWERED ON WEDNESDAY, THE 04TH APRIL, 2018.**

Return/Upkeep of Confiscated/Recovered Items

6107. SHRIMATI DARSHANA VIKRAM JARDOSH:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is aware that due to procedural delay like court proceedings etc. in identifying actual ownership before handing over of stolen/ misplaced items/vehicles recovered by Police, many a time these get damaged/ deteriorated due to neglect, mishandling or want of upkeep;**
- (b) if so, whether the Government would interact with States to smoothen procedures by amendments in relevant provisions of law or set up fast-track courts to expedite handing over procedure and also introduce penal provision for dereliction of duty against officials unable to ensure proper handling of custodial items and if so, the details thereof; and**
- (c) if not, the reasons therefor?**

ANSWER

MINISTER OF LAW & JUSTICE AND ELECTRONICS & INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) to (c): Section 451 of chapter XXXIV of Criminal Procedure Code (CrPC) provides for custody and disposal of property pending trial in such cases wherein it is stated that if the property is subject to speedy and natural decay, or if it otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. Further section 459 of CrPC also provides power to sell perishable property, wherein it is stated that if the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than ten rupees, the Magistrate may at any time direct it to be sold. Although adequate provisions already exist in CrPC the States are authorised to make amendments in the Criminal Laws as per their needs. Criminal laws and criminal procedure are in the concurrent list and the State Governments are primarily responsible for proper implementation of laws.
