

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 2493**

**TO BE ANSWERED ON THE 09<sup>TH</sup> JULY, 2019/ ASHADHA 18, 1941 (SAKA)**

**PROCEDURAL DELAY**

**2493.                   SHRI MOHANBHAI KALYANJI KUNDARIYA:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

**(a) whether the Government is aware that due to procedural delays like court proceedings etc. in identifying actual ownership before handing over of stolen/misplaced items/vehicles recovered by Police, many a times these items get damaged/deteriorated due to neglect, mishandling or want of upkeep;**

**(b) if so, whether the Government would coordinate with the 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 the officials who are unable to ensure safety of custodial items;**

**(c) if so, the details thereof; and**

**(d) if not, the reasons therefor?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI NITYANAND RAI)**

**(a) & (d):     Section 451 of the Criminal Procedure Code (CrPC) provides for custody and disposal of property pending enquiry or trial. In cases where the property is subject to speedy and natural decay, 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 provides for power to Magistrate to order sale of perishable property, if the person**

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**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 five hundred rupees.**

**While 'Police' and 'Public Order' are State Subjects, 'Criminal Laws and Criminal Procedure' are in the Concurrent list under the Seventh Schedule to the Constitution of India. State Governments are primarily responsible for implementation of Criminal laws and are also competent to make amendments in the CrPC, as per their needs.**

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