

**Bill No. LXXVI of 2007**

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)  
BILL, 2007

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*further to amend the Code of Criminal Procedure, 1973*

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2007.

Short title,  
and com-  
mencement.

(2) It shall come into force at once.

2. In section 125 of the Code of Criminal Procedure, 1973,—

Amendment  
of section  
125 of Act  
of 1973.

5           (i) in sub-section (1), after the words “at such monthly rate”, the words “not less than one-third of the monthly income of the person from whom the maintenance is claimed”, shall be inserted.

(ii) after sub-section (1) the following sub-section shall be inserted, namely:—

10           (1A) If the party from whom the maintenance is claimed fails to appear before the court on three successive occasions, the Magistrate on the third occasion shall pass the order *ex-parte*.

#### STATEMENT OF OBJECTS AND REASONS

As of now, no amount of maintenance allowance has been prescribed under section 125 of the Code of Criminal Procedure, 1973. The earlier limit of maintenance of rupees five hundred was, removed in the year 2001 as that was fixed many years earlier. Though that was a right move but in the absence of a reasonable minimum amount of monthly allowance, dependents are facing problem. There has to be a minimum limit in this regard to remove ambiguity so that the dependents have a reasonable amount to live with.

It has also been seen that at times the cases for maintenance stretch too long in view of the non appearance of the person from whom maintenance has been claimed, which is inappropriate in the interest of justice to the dependents.

Therefore, it is proposed that the amount of maintenance should not be less than one third of the monthly income of the person and if the person failed to appear before the Magistrate for three consecutive times, *ex-parte* orders should be passed against him.

Hence this Bill.

VIJAY J. DARDA.

RAJYA SABHA

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further to amend the Code of Criminal Procedure, 1973.

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*(Shri Vijay J. Darda, M.P.)*