

The Criminal law Amendment (Bombay Amendment and Extension) Act, 1959

MAHARASHTRA

India

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Act 24 of 1959

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The Criminal law Amendment (Bombay Amendment and Extension) Act, 1959 Bombay Act No. 24 of 1959 Statement of Objects and Reasons. - To secure uniformity in the application of laws throughout the State of Bombay, it was proposed to extend the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 to Hyderabad and Saurashtra areas of the State.² Deletion of the sections 15(2)(b) and 16 of Indian Criminal Law Amendment Act, 1908 as the definition of unlawful association' and the power to declare any association as unlawful were void as per Supreme Court Judgement. Similarly Bombay Public Security Measures Act, 1947, Sections 16-A, 17-A, 17-B, 17-C and 17-D were deleted. Criminal Law Amendment Act, 1932, section 5(2), was amended and sections 18, 19 were deleted. -[Dated 27th April, 1959] For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Part V, pp. 865-866. An Act further to amend the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 and to extend those Acts to the Hyderabad and Saurashtra areas of the State of Bombay. Whereas the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 extend to the whole of the State of Bombay except the territories which, immediately before the 1st November, 1956, were comprised in Part B States; And Whereas in the Hyderabad area of the State the Hyderabad Public Security Act is in force and in the Saurashtra area the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 (Adaptation) Ordinance, 1949, is in force; And Whereas it is expedient that the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932, be further amended for the purposes hereinafter appearing and be also extended to and brought into force in the rest of the State; and in consequence the corresponding laws aforesaid be repealed; It is hereby enacted in the Tenth Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Criminal Law Amendment (Bombay Amendment and Extension) Act, 1959.

2. Amendment of section 15 of Act XIV of 1908.

- In the Indian Criminal Law Amendment Act, 1908, in its application to the pre-Reorganization State of Bombay excluding the transferred territories, and the Kutch area and the Vidarbha region of the Bombay State (hereinafter referred to as "the principal Act of 1908"), in section 15, in clause (2), the word "or" at the end of sub-clause (a) and the whole of sub-clause (b) shall be deleted.

3. Deletion of sections 16, 16-A and 17-A to 17-D of Act XIV of 1908.

- Sections 16 and 17-A to 17-D (both inclusive) of the principal Act of 1908 and section 16-A inserted in the Indian Criminal Law Amendment Act, 1908, in its application to the pre-Reorganisation State of Bombay by section 27 of the Bombay Public Security Measures Act, 1947, shall be deleted.

4. Substitution of section 17-F of Act XIV of 1908.

- For section 17-F of the principal Act of 1908, the following shall be substituted, namely :- "17F. Jurisdiction barred. - Every declaration of forfeiture made, or purporting to be made, under this Act, shall, as against all persons, be conclusive proof that the property specified therein has been forfeited and save as provided in section 17-E no proceeding purporting to be taken under that section shall be called in question by or in any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under that section."

5. Amendment of section 5 of Act XXIII of 1932.

- In the Criminal Law Amendment Act, 1932, in its application to the pre-Reorganisation State of Bombay excluding the transferred territories, and the Kutch area and the Vidarbha region of the Bombay State (hereinafter referred to as "the principal Act of 1932"), in section 5, in sub-section (2), the words, brackets and figures "or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931" shall be deleted.

6. Deletion of sections 18 and J 9 of Act XXIII of 1932.

- Sections 18 and 19 of the principal Act of 1932 shall be deleted.

7. Extension of Act XIV of 1908 as amended to Hyderabad and Saurashtra areas of Bombay State.

- The principal Act of 1908, as amended by this Act, is hereby extended to, and shall in virtue of such extension be in force in, the Hyderabad and Saurashtra areas of the Bombay State.

8. Amendment of section 1 of Act XIV of 1908.

- In the Indian Criminal Law Amendment Act, 1908, in its application to the State of Bombay, in section 1, -(1) in sub-section (2), after the words and letters "comprised in Part B States" the words "other than the Hyderabad and Saurashtra areas of the State of Bombay" shall be inserted; (2) to sub-section (3), the following proviso shall be added namely :- "Provided that, on the date of the commencement of the Criminal Law Amendment (Bombay Amendment and Extension) Act, 1959, the whole of this Act shall come into force in that part of the State of Bombay in which it was not in force immediately before such date."

9. Extension of Act XXIII of 1932 as amended to Hyderabad and Saurashtra areas of Bombay State.

- The principal Act of 1932, as amended by this Act, is hereby extended to, and shall in virtue of such extension be in force in, the Hyderabad and Saurashtra areas of the Bombay State.

10. Amendment of section 1 of Act XXIII of 1932.

- In the Criminal Law Amendment Act, 1932, in its application to the State of Bombay, in section 1, -(1) in sub-section (2), after the words and letter "comprised in Part B States" the words "other than the Hyderabad and Saurashtra areas of the State of Bombay" shall be inserted; (2) to sub-section (4), the following proviso shall be added, namely "Provided that, in the Hyderabad and Saurashtra areas of the State of Bombay this Act except section 7 shall come into force on the date of the commencement of the Criminal Law Amendment (Bombay Amendment and Extension) Act, 1959."

11. Repeal and saving.

- On the commencement of this Act, -(1) the Hyderabad Public Security Act, in its application to the Hyderabad area of the State of Bombay; and (2) the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 (Adaptation) Ordinance, 1949, shall be repealed: Provided that such repeal shall not affect -(a) the previous operation of any law so repealed; or (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or (c) any investigation, legal proceeding or remedy in respect of such penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed: Provided further that, subject to the preceding proviso, anything done or

any action taken (including any appointment, order, declaration or report made or consent or certificate given or notification issued) by or under any such law, shall, in so far as it is not inconsistent with the Indian Criminal Law Amendment Act, 1908 or the Criminal Law Amendment Act, 1932, as the case may be, in its application to the State of Bombay, be deemed to have been done or taken under the corresponding provisions of the relevant Act aforesaid.