

The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1982

TAMILNADU

India

The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1982

Act 13 of 1982

- Published on 12 March 1982
- Commenced on 12 March 1982
- [This is the version of this document from 12 March 1982.]
- [Note: The original publication document is not available and this content could not be verified.]

The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1982 Tamil Nadu Act 13 of 1982 Statement of Objects and Reasons. - It has been brought to the notice of the Government that, of late, publication in newspaper, periodicals, circulars, pictures, etc., containing grossly indecent or scurrilous matters which is an offence under section 292-A of the Indian Penal Code (Central Act XLV of 1860) and which affect greatly the morale of public servants in the discharge of their duties, is on the increase. It was, therefore, decided to enhance the penalty on the second or subsequent conviction. It was also decided to amend the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), so as to make the offence under section 292-A of the Indian Penal Code a cognizable and non-bailable offence. Accordingly, the Indian Penal Code and the (Aide of Criminal Procedure (Tamil Nadu Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 12 of 1981), was promulgated.² The Bill seeks to replace the said Ordinance. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 8th February 1982. Received the assent of the President on the 12th March 1982 and published in Part IV-Section 2, of the Tamil Nadu Government Gazette Extraordinary, dated the 13th March 1982. An Act further to amend the Indian Penal Code and Code of Criminal Procedure, 1973, in their application to the State of Tamil Nadu. Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fifth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

- This Act may be called the Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1982.⁽²⁾ It extends to the whole of the State of Tamil Nadu.⁽³⁾ It shall be deemed to have come into force on the 21st September 1981.

2. Amendment of section 292-A, Central Act XLV of 1860.

- In section 292-A of the Indian Penal Code (Central Act XLV of 1860),-(i)for the words "shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both", the following shall be substituted, namely:-"shall be punished on first conviction with imprisonment of either description for a term which may extend to two years, or with fine, or with both, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine";(ii)in the proviso, after the words "and not more than two years", shall be omitted.

3. Amendment of Central Act 2 of 1974.

- In the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),-(i)in sub-section (1) of section 455, after the word and figures "section 292", the word, figures and letter "section 292-A" shall be inserted;(ii)in the First Schedule, for the entries relating to sections 293, the following entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)	(6)
"292-A	Printing, etc., of grossly indecent orscurrilous matter or matter intended for blackmail.	On first conviction with imprisonment for 2years, or fine, or both, and in the event of second or subsequentconviction, with imprisonment for 5 years, and with fine.	Cognizable	Non-bailable	Any Magistrate
293	Sale, etc., of obscene objects to young persons.	On first conviction with imprisonment for 3years, and with fine of 2,000 rupees and in the event of secondor subsequent conviction, with imprisonment for 7 years, and withfine of 5,000 rupees	Cognizable	Bailable	Any Magistrate."

4. Repeal and saving.

(1)The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Ordinance 1981 (Tamil Nadu Ordinance 12 of 1981) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Indian Penal Code (Central Act XLV of 1860) or the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as amended by the said Ordinance shall be deemed to have been done or taken under the said Indian Penal Code (Central Act XLV of 1860), or the said Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as the case may be, as amended by this Act.