

The Indian Criminal Law Amendment (Tamil Nadu Amendment) Act, 1998

TAMILNADU

India

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Act 42 of 1998

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The Indian Criminal Law Amendment (Tamil Nadu Amendment) Act, 1998 Tamil Nadu Act 42 of 1998 Statement of Objects and Reasons. - At present the Indian Criminal Law Amendment Act, 1908 (Central Act XIV of 1908) does not have any provision for appeal against any declaration made by the State Government that any association is unlawful. Government have, therefore, decided to amend the said Act suitably so as to provide for appeal against such declaration and also to make certain other amendments. 2. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 27th May 1998. Received the assent of the President on the 9th December, 1998 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 16th December, 1998. An Act further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Tamil Nadu. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

- This Act may be called the Indian Criminal Law Amendment (Tamil Nadu Amendment) Act, 1998. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall come into force at once.

2. Amendment of section 15.

- In section 15 of the Indian Criminal Law Amendment Act, 1908 (Central Act XIV of 1908), (hereinafter referred to as the principal Act), - (a) after clause (1), the following clause shall be inserted, namely: - "(1-A) 'Tribunal' means the Tribunal constituted under section 16-B."; (b) in clause (2), for sub-clause (b), the following sub-clause shall be substituted, namely: - "(b) which has been declared to be unlawful by the State Government under the powers hereby conferred."

3. Substitution of sections 16 and 16-A.

- For sections 16 and 16-A of the principal Act, the following sections shall be substituted, namely,-"16. Power to declare association unlawful. - (1) If the State Government are of the opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the State Government may, by notification in the Tamil Nadu Government Gazette, declare such association to be unlawful.(2)Every notification issued under sub-section (1) shall, in addition to its publication in the Tamil Nadu Government Gazette, be published in a daily newspaper having circulation in the locality in which the principal office, if any, of the association affected is situated, and shall also be served on such association in any of the following manner, namely:-(a)by affixing a copy of the notification at some conspicuous part of the office, if any, of the association; or(b)by serving a copy of the notification, where possible, on the principal office bearers, if any, of the association; or(c)by proclaiming by beat of drum or by means of loudspeaker^, the contents of the notification in the area in which the activities of the association are ordinarily carried on.

16.

-A. Appeal. - Any association aggrieved by a notification issued under section 16 may, within thirty days from the date or which such notification is published in the Tamil Nadu Government Gazette, prefer an appeal to the Tribunal:Provided that in the case of a notification issued under this Act before the date of commencement of the Indian Criminal Law Amendment (Tamil Nadu Amendment) Act, 1998 (Tamil Nadu Act 42 of 1998), any association aggrieved by such notification may, within thirty days from the date of such commencement prefer an appeal to the Tribunal.

16.

-B. Tribunal. - (1) The State Government may, by notification, constitute, as and when necessary, a Tribunal for the purpose of section 16-A, consisting of one person, to be appointed by the State Government:Provided that no person shall be so appointed unless he is a Judge of the High Court.(2)If, for any reason, a vacancy (other than a temporary absence) occurs in the office of the presiding officer of the Tribunal, then, the State Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.(3)The State Government shall make available to the Tribunal such staff as may be necessary for the discharge of its functions under this Act.(4)All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of the State.(5)The Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it will hold its sittings.(6)The Tribunal shall, for the purpose of appeal, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:-(a)the summoning and enforcing the attendance of any witness and examining him on oath;(b)the discovery and production of any document or other material object producible as evidence;(c)the reception of evidence on affidavits;(d)the requisitioning of any public record from any Court or office;(e)the issuing of any commission for the examination of

witnesses.(7)Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Central Act XLV of 1860) and the Tribunal shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).".

4. Saving.

- All notifications issued under the principal Act in respect of associations by the State Government immediately before the date of commencement of this Act, shall, as from such date of commencement, have effect, as if, they had been issued under section 16 of the principal Act, as amended by this Act.