

The Criminal Law Amendment Act, 1932

UNION OF INDIA

India

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Act 23 of 1932

- Published in Gazette 23 on 19 December 1932
- Assented to on 19 December 1932
- Commenced on 19 December 1932
- [This is the version of this document as it was from 2 June 1966 to None.]
- [Note: The original publication document is not available and this content could not be verified.]

The Criminal Law Amendment Act, 1932(23 of 1932)

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The Civil Disobedience Movement has made it necessary to supplement the Criminal Law by means of certain Ordinances promulgated by the Governor-General in exercise of his powers under Section 72 of the Government of India Act. The Special Powers Ordinance, expires on the 29th December, 1932. Though the Ordinances have enabled Local Governments and their officers to control the movement, its organisers have not yet abandoned their attempt to paralyse Government and to conerce law-abiding citizens. The experience of the last two years and of previous movements on the same lines shows that, in the absence of certain of powers at present existing, it is no difficult matter to start or revive such subversive movements. The conditions prevailing at present as a result of measures taken by the Government of India and Local Governments are such as to render it unnecessary to assume for the whole of British India all the powers conferred by the Special Powers Ordinance now in force, and it is hoped that the powers conferred by Chapter II (Emergency Powers), Chapter IV (Special Courts) and Chapter V (Special provisions against instigation to the illegal refusal of the payment of certain liabilities) will only be needed in certain provinces. It is, therefore, intended by this Bill to take only those powers which a general review of the situation shows are required for the whole of India, and to leave it to the Local Governments to supplement these provisions by means of local legislation in order to meet local or emergency conditions. The present Bill reproduces in the form of amendments to Acts already on the status-book, certain provisions of the Special Powers Ordinance (10 of 1932) and includes: (a) provisions against associations dangerous to the public peace. (b) provisions against certain forms of intimidation (c) provisions to secure great control over the Press. An Act to supplement the criminal law. Whereas it is expedient to supplement the criminal law and to that end to amend the Indian Press (Emergency Powers) Act, 1931 (23 of 1931) and further to amend [- - -] [The word "temporarily" repealed by Criminal Law Amendment Act, 1935, Section 3.] the Indian Criminal Law Amendment Act, 1908 (14

of 1908), for the purposes hereinafter appearing; It is hereby enacted as follows:

[Goa, Daman and Diu]. For preamble, substituted the following, namely: Whereas it is expedient to supplement the Criminal Law for the purposes hereinafter appearing; It is hereby enacted as follows. G.S.R. 863, dated 2-6-1966. [Pondicherry]. Same as that of Goa, Daman and Diu. G.S.R. 200, dated 18-2-1967.

1. Short title, extent, duration and commencement

(1) This Act may be called The Criminal Law Amendment Act, 1932. (2) [It extends to the whole of India except [the territories which, immediately before the 1st November, 1956, were comprised in Part B States] [Substituted by A.O. 1950.].] [- - -] [[Sub-Section (3) repealed by the Criminal Law Amendment Act, 1935, Section

2.

]] (4) The whole of the Act except [- - -] [[The words "section 4 and" repealed by the Criminal Law Amendment Act, 1935, Section 4.]] section 7 shall come into force at once and the State Government may, by notification in the Official Gazette, direct that section 7 shall come into force in any area on such date as may be specified in the notification.

[Andhra Pradesh]. In its application to the State of Andhra Pradesh, in Section 1(2), add at the end other than those specified in sub-section (1) of section 3 of State Reorganisation Act, 1956. Andhra Pradesh Act 25 of 1979, Section 3 (w.e.f. 9-10-1979). [Gujarat]. In its application to the State of Gujarat, in sub-Ss. (2) and (4) of Section 1, the words State of Bombay shall stand unmodified. Gujarat A.L. (8th Amendment) Order, 1961. [Karnataka]. In its application to the State of Karnataka, in sub-S. (2) of Section 1, add, at the end, the following: Other than the territories specified in clause (a) and clause (c) of sub-section (1) of section 7 of the State Reorganisation Act, 1956. Karnataka Act 29 of 1975, Section 2 (w.e.f. 12-8-1975). [Madhya Pradesh]. In its application to the State of Madhya Pradesh, in Section 1, for sub-S. (2), substitute the following sub-section, namely: (2) It extends to the whole of India except the territories which immediately before the 1st November, 1956 were comprised in Part B States other than the Madhya Bharat and Sironj Regions of the State of Madhya Pradesh. Madhya Pradesh Act 10 of 1967, Section 2 (w.e.f. 2-5-1967). [Maharashtra]. In its application to the State of Maharashtra, (i) in sub-S. (2), after the words and letter comprised in Part B States, insert other than the Hyderabad and Saurashtra areas of the State of Bombay; (ii) To sub-S. (4), add the following proviso, 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. Bombay Act 24 of 1959, Section 10 (w.e.f. 27-4-1959).

2. Dissuasion from enlistment

[Repealed by the Criminal Law Amendment Act, 1935, section 2.]

3. Tampering with public servants

.[Repealed by the Criminal Law Amendment Act, 1935, section 2.]

4. Boycotting a public servant

.[Repealed by the Criminal Law Amendment Act, 1935, section 2.]

5. Dissemination of contents of prescribed document

(1)Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to Government under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.(2)No Court shall take cognizance of an offence punishable under this section unless the State Government has certified that the passage published, circulated or repeated contains, in the opinion of the State Government, seditious or other matter of the nature referred to in sub-section (1) of section 99-A of the Code of Criminal Procedure, 1898 (5 of 1898) or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931 (23 of 1931).

[Andhra Pradesh].In its application to the State of Andhra Pradesh, for the words section 99-A of Code of Criminal Procedure, 1898, substitute section 95 of Code of Criminal Procedure, 1973.Andhra Pradesh Act 25 of 1979, Section 4 (w.e.f. 9-10-1979).[Goa, Daman and Diu].Same as that of Maharashtra.G.S.R. 863, dated 2-6-1966.[Gujarat].Same as that of Maharashtra.Gujarat Act 11 of 1960, Section 87 and Gujarat A.L.O., 1960.[Maharashtra].In its application to the State of Maharashtra, in Section 5, sub-S. (2), the words or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931 shall be deleted.Bombay Act 24 of 1959, Section 5 (w.e.f. 7-4-1959).[Pondicherry].Same as that of Maharashtra.G.S.R. 200, dated 18-2-1967.

6. Dissemination of false rumours

.[Repealed by the Criminal Law Amendment Act, 1935, section 2.]

7. Molesting a person to prejudice of employment or business

(1)Whoever(a)with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof, or(b)loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.Explanation. Encouragement of indigenous industries or advocacy of

temperance, without the commission of any of the acts prohibited by this section is not an offence under this section.(2)No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of officer in charge of a police station.

8. Power to order parent or guardian to pay fine imposed on young persons

.[Repealed by the Criminal Law Amendment Act, 1935, section 2.]

9. Procedure in offences under the Act

.Notwithstanding anything contained in the [Code of Criminal Procedure, 1898 (5 of 1898)] [Now see the Code of Criminal Procedure, 1973 (2 of 1974).],(i)no Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act;(ii)an offence punishable under section [* *] 5 [* *] 7 shall be cognizable by the police;[* **] [Clause (iii) repealed by Criminal Law Amendment Act, 1935, Section 5.](iv)an offence punishable under section 7 shall be non-bailable.

[Andhra Pradesh].In its application to the State of Andhra Pradesh,(1) for the words Code of Criminal Procedure, 1898, substitute Code of Criminal Procedure, 1973;(2) in Cl. (i), the words Presidency Magistrate or shall be omitted.Andhra Pradesh Act 25 of 1979, Section 5 (w.e.f. 9-10-1979).[Punjab, Haryana and Chandigarh].In its application to the States of Punjab and Haryana and Union territory of Chandigarh, in Cl. (i) of Section 9, for the words Magistrate of the first class, substitute Judicial Magistrate of the first class.Punjab Act 25 of 1964; Central Act 31 of 1966, Sections 29 and 89; Haryana A.L.O., 1968.

10. Power of State Government to make certain offences cognizable and non-bailable

(1)The State Government may, by notification in the Official Gazette, declare that any offence punishable under sections 186, 188, 189, 190, 228, 295-A, 298, 505, 506 or 507 of the Indian Penal Code (45 of 1860), when committed in any area specified in the notification shall, notwithstanding anything contained in the [Code of Criminal Procedure, 1898 (5 of 1898)] [[Now see the Code of Criminal Procedure, 1973 (2 of 1974).]], be cognizable, and thereupon the [Code of Criminal Procedure, 1898 (5 of 1898)] [[Now see the Code of Criminal Procedure, 1973 (2 of 1974).]], shall, while such notification remains in force, be deemed to be amended accordingly.(2)The State Government may, in like manner and subject to the like conditions, and with the like effect, declare that an offence punishable under section 188 or section 506 of the Indian Penal Code (45 of 1860), shall be non-bailable.

[Andhra Pradesh].In its application to the State of Andhra Pradesh,(i) for the words The State Government..... Official Gazette, substitute if the State Government are satisfied, in the public interest, it is necessary or expedient so to do, they may, by notification in the Andhra Pradesh Gazette;(ii) for the words Code of Criminal Procedure, 1898, substitute Code of Criminal Procedure,

1973; and(iii) after sub-S. (2), insert the following sub-section, namely:(3) A notification issued under sub-section (2) shall be in force for six months only, but the State Government may, by a like notification, extend it for any period not exceeding six months if they are satisfied that in the public interest it is necessary or expedient so to do.Andhra Pradesh Act 25 of 1979, Section 6 (w.e.f. 9-10-1979).

11. Amendment of section 16, Act 14 of 1908

.[Repealed by the Repealing Act, 1938 (1 of 1938), section 2.]

12. Amendment of section 17, Act 14 of 1908

.[Repealed by the Repealing Act, 1938 (1 of 1938), section 2.]

13. Insertion of new sections 17-A to 17-F in Act 14 of 1908

.[Repealed by the Repealing Act, 1938 (1 of 1938), section 2.]

14. Amendment of title and preamble of Act 23 of 1931

.[Repealed by the Repealing Act, 1938 (1 of 1938), section 2.]

15. Amendment of section 1, Act 23 of 1931

.[Repealed by the Criminal Law Amendment Act, 1935, section 2.]

16. Amendment of section 4, Act 23 of 1931

.[Repealed by the Repealing Act, 1938 (1 of 1938), section 2.]

17. Cessation of effect of section 62, Ordinance 10 of 1932

.[Repealed by the Criminal Law Amendment Act, 1935, section 2.]

18. Adoption and continuance of action taken under Ordinance 10 of 1932

.Anything done or any proceedings commenced in pursuance of the provisions of Chapter VI of the Special Powers Ordinance, 1932 (10 of 1932), shall upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Criminal Law Amendment Act, 1908 (14 of 1908), as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commenced.

[Goa, Daman and Diu].Section 18 shall be omitted.G.S.R. 863, dated 2-6-1966.[Gujarat].Section 18 shall be omitted.Gujarat Act 11 of 1960, Section 67; Gujarat A.L.O. 1960.[Maharashtra].Section 18 shall be deleted.Bombay Act 24 of 1959, Section 6.[Pondicherry].Same as that of Goa, Daman and Diu.G.S.R. 200, dated 18-2-1967.

19. Adoption and continuance of action taken under Act 23 of 1931 as amended by Ordinance 10 of 1932

.Anything done or any proceedings commenced in pursuance of the provisions of the Indian Press (Emergency Powers) Act, 1931 (23 of 1931), as amended by section 77 of the Special Powers Ordinance, 1932 (10 of 1932), shall upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Press (Emergency Powers) Act, 1931 (23 of 1931), as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commenced.

[Goa, Daman and Diu].Section 19 shall be omitted.G.S.R. 863, dated 2-6-1966.[Gujarat].Section 19 shall be deleted.Gujarat A.L.O. 1960.[Maharashtra].Section 19 shall be deleted.Bombay Act XXIV of 1959.[Pondicherry].Same as that of Goa, Daman and Diu.G.S.R. 200, dated 18-2-1967.

20. Trial of, and completion of trials of, offences against Ordinance 10 of 1932

.[Repealed by the Criminal Law Amendment Act, 1935, section 2.]