

THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922

(Act No. 22 of 1922)

[5th October 1922]

CONTENTS

1. [Short title, extent and commencement.](#)
2. [Definition.](#)
3. [Penalty for causing disaffection, etc](#)
4. [Saving of acts done by police associations and other persons for certain purposes.](#)
5. [Sanction to trial of offences by sub- ordinate courts.](#)
6. [Trial of cases.](#)

[The Schedule.](#)

THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922

(Act No. 22 of 1922)

An Act to provide a penalty for spreading disaffection among the police and for kindred offences

Whereas it is expedient to penalize the spreading of disaffection among the police and other kindred offences; it is hereby enacted as follows: -

1. Short title, extent and commencement. -

(1) This Act may be called the Police (Incitement to Disaffection) Act, 1922.

(2) It extends to the whole of India, except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.

(3) It shall come into force in any State or part of a State on such date as the State Government may, by notification in the Official Gazette, direct.

STATE AMENDMENTS

Andhra Pradesh

In sub-section (2) after the expression “except the territories which immediately before the 1st Nov., 1956, were comprised in Part B States” add the words “other than the territories specified in sub-section (1) of Section 3 of the State Reorganisation Act 1956”

[A.P. Act 23 of 1958].

Madhya Pradesh

In its application to the State of Madhya Pradesh:

(i) In sub-section (2), after the words Part B States add the words “other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh”.

(ii) For sub-section (3) substitute the following:

“(3) It shall be in force in all such area in Madhya Pradesh in which it was in force immediately before

the commencement of Madhya Pradesh Second Extension of Laws Act, 1961 (40 of 1961), and shall come into force in other areas, on such date as the State Government may, by notification appoint’.

[M.P. Act XL of 1961].

Maharashtra, Gujarat

(i) To sub-section (2), add the following proviso:

“Provided that on the commencement of the Police (Incitement to Disaffection) (Bombay Extension and Amendment) Act, 1958 it shall extend to the Saurashtra and Hyderabad areas of the State of Bombay.”

(ii) To sub-section (3), add the following proviso:

“Provided that on the commencement of the Police (Incitement to Disaffection) (Bombay Extension and Amendment) Act 1958 it shall come into force in that part of Saurashtra area of the State of Bombay in which the Police (Incitement to Disaffection) Act, 1922, as modified and applied to that area by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance 1948, was in force immediately before such commencement”.

[Bombay Act 77 of 1958, Act No. 11 of 1960].

2. Definition. - In this Act the expression “member of a police-force” means any person appointed or enrolled for the performance of police duties under any enactment specified in the Schedule.

STATE AMENDMENT

Maharashtra, Gujarat

In Section 2, the following shall be added at the end: -

“Or any corresponding law for the time being in force in any part of the Bombay State”,

3. Penalty for causing disaffection, etc.-Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection towards the Government established by law in India amongst the members of a police force, or induces or attempts to induce, or does any act which he knows is likely to induce, any member of a police-force to withhold his services or to commit a breach of discipline shall be punished with imprisonment which may extend to six months or with fine which may extend to two hundred rupees, or with both.

Explanation. -Expressions or disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of disapprobation of the administrative or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.

STATE AMENDMENTS

Madhya Pradesh

In Section 3, of the principal Act, for the words “with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees or with both” the words “with imprisonment which shall not be less than six months but which may extend to three years and with fine which may extend to five hundred rupees” shall be substituted.

[M.P. Act 15 of 1981].

Maharashtra

(a) Section 3 of the Police (Incitement to Disaffection) Act 1922, in its application to the State of Maharashtra shall be renumbered as sub-section (1) of that section and in sub-section (1) so renumbered for the portion beginning with the words “shall be punished” and ending with the words “or with both”, the following shall be substituted, namely, -

“Shall on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the

judgment of the Court, such imprisonment shall not be less than six months and such fine shall not be less than five hundred rupees.”

(b) After sub-section (1) so remembered the following sub-section shall be added, namely: “(2) All offences under this Act shall be cognizable and non-bailable.”

[Maharashtra Act 23 of 1983].

4. Saving of acts done by police associations and other persons for certain purpose. - Nothing shall be deemed to be an offence under this Act which is done in good faith-

(a) For the purpose of promoting the welfare or interests of any member of a police force by inducing him to withhold his services in any manner authorised by law; or

(b) By or on behalf of any association formed for the purpose of furthering the interests of members of a police force as such, where the association has been authorised or recognised by the Government and the act done is done under any rules or articles of the association, which have been approved by the Government.

STATE AMENDMENT

Madhya Pradesh

After Section 4 of the principal Act the following section shall be inserted, namely:

“4-A. Offences to be cognizable and non-bailable. -

(1) Every offence under this Act shall be cognizable and non-bailable.

(2) No bail shall be granted by any Court under this section unless prosecution has been afforded reasonable opportunity of being heard in the matter.”

[M.P. Act 15 of 1981].

5. Sanction to trial of offences by sub-ordinate courts. - No court shall proceed to the trial of any offence under this Act except with the previous sanction, or on the complaint of the District Magistrate or, in the case of a Presidency-town of the Commissioner of Police.

STATE AMENDMENTS

Andhra Pradesh

In Section 5, for the words “of the District Magistrate or, in the case of a Presidency town of the Commissioner of Police” substitute “of the District Collector or, in the case of the cities of Hyderabad and Secunderabad, of the Commissioner of Police”,

[A.P. Act 23 of 1958].

Maharashtra

In Section 5, the words “or on the complaint” shall be deleted.

[Mah. Act 22 of 1983].

Tamil Nadu

(i) In Section 5 (as Amended by Andhra Pradesh Act 23 of 1958), for the words “the cities of Hyderabad and Secunderabad”, substitute the words a “Presidency-town”.

[Mad. (Added Territories) ALO 1961]

(ii) In Section 5 (as amended by Andhra Pradesh Act 23 of 1958), for the words “District Collector”, substitute the words “District Magistrate”,

[T.N. Act VIII of 1964].

6. Trial of, cases. -

(1) No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try offence under this Act.

(2) Notwithstanding anything contained in 1[Chapter XII of the Code of Criminal Procedure, 1898 (5 of 1898)] no offence under this Act shall be triable summarily.

1. Now see Code of Criminal Procedure 1973.

STATE AMENDMENTS

Andhra Pradesh

In sub-section (1) of Section 6, omit the words, “Presidency Magistrate or”.

[A.P. Act 23, of 1958].

Gujarat

Same as amendment (ii) in Maharashtra

[Act II of 1860]

Maharashtra

(i) For Section 6, the following shall be substituted, namely:

“6. Trial of cases. -

(1) No court inferior to that of a Metropolitan Magistrate or judicial Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 any Metropolitan Magistrate or any judicial Magistrate of the first class may if he thinks fit, try in a summary way all or any of the offences under this Act, and the provisions of Sections 262 to 265 (both inclusive), of the said

Code shall, so far as may be, apply to such trial:

Provided that where any case is tried summarily and the accused is convicted under this Act, no sentence of imprisonment for a term exceeding three months shall be passed by the Magistrate concerned and the provision for awarding punishment of minimum amount of fine under this Act shall not apply”

[Mah. Act XXII of 1983].

(ii) After Section 6, insert the following section:

“7. Repeal and saving. - The police (Incitement to Disaffection) Act 1922, as modified and applied to the Saurashtra area of the State Bombay by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 is hereby repealed:

Provided that such repeal shall not affect-

(a) The previous operation of the law so repealed, or

(b) Any punishment incurred in respect of any offence committed against any of the provisions of the law so repealed, or

(c) Any investigation, legal proceeding or remedy in respect of such punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such punishment may be imposed as if this Acts had not been passed”.

[Bombay Act 77 of 1958]

Punjab, Haryana, Chandigarh

In Section 6, for the words ‘Magistrate of the first class, substitute the words ‘judicial Magistrate of the first class’.

[Punjab Act XXV of 1964].

THE SCHEDULE**[See Section 2]**

Year	No.	Short title
1859	XXIV	Acts of the Governor-General-in-Council The Madras District Police Act, 1859
1861	V	The Police Act, 1861
1888	III	The Police Act, 1888
1892	V	The Bengal Military Police Act, 1892 Madras Act
1888	III	The Madras City Police Act, 1888
		Bombay Acts
1890	IV	The Bombay District Police Act, 1890
1902	IV	The City of Bombay Police Act, 1902
		Bengal Acts
1866	II	The Calcutta Suburban police Act, 1866
1866	IV	The Calcutta Police Act, 1866
1890	III	The Calcutta Port Act, 1890
1920	II	The Eastern Frontier Rifles (Bengal Battalion) Act, 1920
	[Omitted]	
		Assam Act
1920	I	The Assam Rifles Act, 1920 Regulation by the Governor-General-in-Council
1888	II	The Andaman and Nicobar Islands Military police Regulation, 1888

STATE AMENDMENTS**Maharashtra, Gujarat**

In the Schedule, under the heading ‘Bombay Act’, for the entries-

“1890 IV The Bombay District Police Act, 1890

1902 IV The City of Bombay Police Act, 1902”

Substitute the following:

“1951 XXII The Bombay Police Act, 1951

To the entry under the heading ‘Bombay Act’, the following shall be added:

1951 XXXVHI The Bombay State Reserve Police Force Act, 1951”

[Bombay Act XXI of 1954 and Act XI of 1960].