

Criminal Law Amendment Act, 1932

23 of 1932

[19 December 1932]

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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 and further to amend 1 [* *] the Indian Criminal Law Amendment Act, 1908, for the purposes hereinafter appearing; It is hereby enacted as follows:-- 1. The word "temporarily" was repealed by the Criminal Law Amendment Act, 1935, Section 3.

1. Short Title, Extent, Duration And Commencement :-

(1) This Act may be called the Criminal Law Amendment Act, 1932.
1[(2) It extends to the whole of India except2[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].]

3[* * * * *]

(4) The whole of the Act except4[* * *] Section 7 shall come into force at once and the5[State Government] may by notification in the6[Official Gazette] direct that7[* * *] Section 7 shall come into force in any area on such date as may be specified in the notification.

1. Substituted for former sub-section (2), by A.L.O., 1950.
2. Substituted for "Part B States", by 3 A.L.O., 1956.
3. Sub-section (3), limiting the duration of the Act to three years from commencement was repealed by Criminal Law Amendment Act, 1935, S. 2.
4. Words and figure "Section 4 and" were repealed by S. 4, by Criminal Law Amendment Act, 1935, S. 2.
5. Substituted for "Provincial Government" by A.L.O., 1950.
6. Substituted by A.O., 1937.
7. Words and figure "section 4 or" were repealed by the Criminal Law Amendment Act, 1933, Section 4,

2. Dissuasion From Enlistment. Tampering With Public Servants. Boycotting A Public Servant :-

[Repealed by the Criminal Law Amendment Act, 1935, Section 2.]

3. Dissuasion From Enlistment. Tampering With Public Servants. Boycotting A Public Servant :-

[Repealed by the Criminal Law Amendment Act, 1935, Section 2.]

4. Dissuasion From Enlistment. Tampering With Public Servants. Boycotting A Public Servant :-

[Repealed by the Criminal Law Amendment Act, 1935, Section 2.]

5. Dissemination Of Contents Of Proscribed 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 to¹[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 the²[State Government] has certified that the passage published, circulated or repeated contains, in the opinion of the²[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, or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931.

1. Substituted for "Her Majesty" by A.L.O., 1950.

2. Substituted for "Provincial Government" by A.L.O., 1950.

6. Repealed :-

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

7. Molesting A Person To Prejudice Of Employment Or Business :-

17. 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 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 from 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.

OBJECTS AND REASONS

The explanation emphasises the fact that the section is not intended to hamper lawful advocacy of swadeshi or abstention from intoxicating liquor. See S.C.R.

1. Section 7 was enforced in Kutch, Saurashtra and Hyderabad areas of the State of Bombay from 24-8-1959. It was also enforced in the districts of Dehra Dun, Saharanpur, Moradabad, Mirzapur, Basil, Gorakhpur, Deoria Muzaffarnagar, Aligarh and Rampur; Lalitpur and Gaziabad w.e.f. 31-8-1977.

8. Power To Order Parent Or Guardian To Pay Fine Imposed On Young Person :-

[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,--

(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 1[* * *] 51[* * *] 7 shall be cognizable by the police;

2[*****] and

(iv) an offence punishable under section 7 shall be non-bailable.

1. The figures 2, 3 and 6 were repealed by the Criminal Law Amendment Act, 1935, S. 5.

2. Clause (iii) was repealed by S. 5, ibid.

10. Power Of State Government To Make Certain Offences Cognizable And Non-Bailable :-

1[State Government] may, by notification in the 2[Official Gazette], declare that any offence punishable under Ss. 186, 188, 189, 190,

228, 295A, 298, 505, 506 or 507 of the Indian Penal Code, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be cognizable, and thereupon the Code of Criminal Procedure, 1898, shall, while such notification remains in force, be deemed to be amended accordingly,

2[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 shall be non-bailable.

1. Substituted for "Provincial Government" by A.L.O., 1950.

11. Amendment Of S. 16, Act 14 Of 1908, Amendment Of S. 17, Act 14 Of 1908. Insertion Of New Ss. 17A To 17F In Act 14 Of 1908, Amendment Of Title And Preamble Of Act 23 Of 1931 :-

[Repealed by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.]

12. Repealed :-

[Repealed by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.]

13. Repealed :-

[Repealed by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.]

14. Repealed :-

[Repealed by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.]

15. Amendment Of S. 1, Act 23 Of 1931 :-

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

16. Amendment Of S. 4, Act 23 Of 1931 :-

[Repealed by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.]

17. Cessation Of Effect Of S. 62, Ordinance 10 Of 1932 :-

[Repealed by the Criminal Law Amendment Act, 1935, S.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 Power Ordinance, 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, 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.

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, as amended by section 77 of the Special Powers Ordinance, 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, 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.

20. Trial Of, And Completion Of Trials Of, Offences Against Ordinance 10 Of 1932 :-

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