

CRIMINAL LAW AMENDMENT ACT, 1932

23 of 1932

[19th December, 1931]

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The Civil Disobedience Movement has made it necessary to supplement the Criminal Law by means of certain Ordinance promulgated by Governor-General in exercise of his powers under S 22 of the Government of India Act. The Special Powers Ordinance, which combines powers taken by the earlier Ordinances, expires on the 29th December, 1932. Though the Ordinance have enabled Local Government and their officers to control the movement, its organisers have not yet abandoned their attempt to paralyse Government and to coerce 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 the 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 power conferred by Chapter II (Emergency Powers), Chap. 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 emergent conditions. The present Bill reproduces in the form of amendments to Acts already on the statute-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 greater control over the Press. AMENDMENTS Amended by Act 24 of 1934. Amended in Madhya Pradesh by M.P. Act 10 of 1967; in Maharashtra and Gujarat by Bom. Act 24 of 1959; in Goa, Daman and Diu by G.S.R. 863 of 1966; in Pondicherry, by G.S.R. 200 of 1967; in Punjab by Punj., Act 25 of 1964. Adapted by A.O. 1937; A.CO., 1948; A.L.O. 1950; 3 A.L.O., 1956. Extended by Acts 4 of 1941; 59 of 1949; 30 of 1950. Extended in Andhra Pradesh by A.P.

Ordn. 6 of 1972 and Act 35 of 1979. Extended and amended in Karnataka by Act 29 of 1975. Extended in Maharashtra and Gujarat by Bom. Acts 4 of 1950; 24 of 1959. Extended in Tamil Nadu by T.N. Acts 35 of 1949; 22 of 1957. Extended in Punjab by Punj. Acts 44 of 1957; 25 of 1964. Repealed in part and amended by Criminal Law Amendment Act, 1935. Repealed in part by Act 1 of 1938. An Act to supplement the criminal law

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 except ²[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].]

³[(3)* * * * *]

(4) The whole of the Act except ⁴[* * *] Section 7 shall come into force at once and the ⁵[State Government] may by notification⁶ in the ⁷[Official Gazette] direct that ⁸ [* * *] Section 7 shall come into force in any area on such date as may be specified in the notification.

1. Subs. for former sub-section (2), by A.L.O. 1950.

2. Subs. 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 figures, "Section 4 and" were repealed by S. 4, Criminal Law Amendment Act, 1935.

5. Subs. for "Provincial Government" by A.L.O., 1950.

6. Section 7 was brought into force in- Former Province of Bihar and Orissa from 26th December, 1932; Delhi Province from 24th December, 1932; City of Bombay, the Bombay Suburban district and the districts of Kaira, Ahmednagar, East Khandesh, West Khandesh, Ratnagiri and Kanara from 29th December, 1932; and in Kutch, Saurashtra and Hyderabad areas of the State; Amritsar district from 31st Dec., 1932; Districts of Cachar, Goalpara, Kamrup, Darrang, Nowgong, Siobsagar and Lakhimpur from 7th January, 1933; Ajmer-Merwara from 30th September, 1933; Goa area of U.T. of G.D.D. with immediate effect; Gujarat w.e.f. 27.12.79; Himachal Pradesh w.e.f. 6.9.80; Districts of Deharadoun, Sharanpur, Basti, Muradabad, Mirzapur, Deoria, Gorakhpur, Rampur, Aligarh and Muzaffarnagar; and in Lalitpur and Ghaziabad w.e.f. 31.8.1977; In Madhya Bharat, V.P., Bhopal and Sironja regions of M.P. w.e.f. 23.4.1971. Extended to the new Provinces and Merged States by the Merged States (Law) Act, 1949 (59 of

1949), S. 3 (1.1.1950), and to the U.Ts. of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act, 1950 (30 of 1950), (16.4.1950). Vindhya Pradesh now forms part of M.P. State. Manipur and Tripura are now States. Extended to the States merged in the State of Bombay, by Bo., Act IV of 1950, and to the Hyderabad and Saurashtra areas of the Bombay State, by Bom. Act 24 of 1959 and to the Central Provinces States. It has also been extended to the State merged in the State of Madras, by Mad. Act 35 of 1949 and to the Kanyakumari district and Shencottah taluk of Tirunelveli district, by Mad. Act 22 of 1957. This Act as was applicable to the territories which immediately before the 1st November, 1956 were comprised in the State of Punjab has been extended to the territories comprised in the State of Pepsu, by Punjab Act 44 of 1957.

7. Subs. by A.O., 1937.

8. Words and figure "Section 4 or" were repealed by the Criminal Law Amendment Act, 1935, 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].

3. 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 to ¹[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 ²[State Government] has certified that the passage published, circulated or repeated contains, in the opinion of the ² [State Government], seditious or other matter of the nature referred to in sub-section (1) of S.99A of Code Of Criminal Procedure, 1898, or sub-section (1) of S.4 of the Indian Press (Emergency Powers) Act, 1931. Section 124-A or Section 153-A or Section 153-B or Section 292 or Section 293 or Section 295A of the Indian Penal Code, 1860 , the State Government may, by

notification, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to Government, and thereupon any police officer may seize the same wherever found in India and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be. (2) In this section and in Section 96,- (a) "newspaper" and "book" have the same meaning as in Press and Registration of Books Act, 1867 ; (b) "document" includes any painting, drawing or photograph, or other visible representation. Corresponding Law : S. 99-A of Act V of 1898. (3) No order passed or action taken under this section shall be called in question in any Court otherwise than in accordance with the provisions of Section 96. Corresponding Law : S. 99-G of Act V of 1898.

1. Subs. for "Her Majesty" by A.L.O., 1950.
2. Subs. for "Provincial Government" by A.L.O., 1950.

6. Dissemination of false rumours :-

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

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 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 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.

(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 person :-

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

9. Procedure in offences under the Act :-

Notwithstanding anything contained in 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[* * *] 5 and ¹[* * *] 7 shall be cognizable by the police;

³ [* * * * *] and

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

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

3. Clause (iii) repealed by S. 5, (6-9-80)

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

(1) The ¹[State Government] may, by notification in the ²[Official Gazette], declare that any offence punishable under Ss. Section 186 of the Indian Penal Code, 1860 , Section 188 of the Indian Penal Code, 1860 , Section 189 of the Indian Penal Code, 1860 , Section 190 of the Indian Penal Code, 1860 , Section 228 of the Indian Penal Code, 1860 , Section 295A of the Indian Penal Code, 1860 , Section 298 of the Indian Penal Code, 1860 , Section 505 of the Indian Penal Code, 1860 , Section 506 of the Indian Penal Code, 1860 or Section 507 of the Indian Penal Code, 1860 , when committed in any area specified in the notification shall, notwithstanding anything contained in Code of Criminal Procedure, 1898, be cognizable, and thereupon Code of Criminal Procedure, 1898, shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The ¹ [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 of the Indian Penal Code, 1860 shall be non-bailable.

1. Subs. for "Provincial Government" by A.L.O. 1950.
2. Subs. for "Local Gazette" by A.O. 1937.

11. Amendment of S. 16, Act 14 of 1903, 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. Amendment of S. 16, Act 14 of 1903, 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.].

13. Amendment of S. 16, Act 14 of 1903, 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.].

14. Amendment of S. 16, Act 14 of 1903, 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.].

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

Repealed by 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. Adaptation 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 Press (Emergency Powers) Act, 1931, as amended by S.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 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].