

THE CRIMINAL LAW AMENDMENT ACT, 1932

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent, duration and commencement.
2. [*Repealed.*].
3. [*Repealed.*].
4. [*Repealed.*].
5. Dissemination of contents of prescribed document.
6. [*Repealed.*].
7. Molesting a person to prejudice of employment or business.
8. [*Repealed.*].
9. Procedure in offences under the Act.
10. Power of State Government to make certain offences cognizable and non-bailable.
11. [*Repealed.*].
12. [*Repealed.*].
13. [*Repealed.*].
14. [*Repealed.*].
15. [*Repealed.*].
16. [*Repealed.*].
17. [*Repealed.*].
18. Adoption and continuance of action taken under Ordinance 10 of 1932.
19. Adoption and continuance of action taken under Act 23 of 1931 as amended by Ordinance 10 of 1932.
20. [*Repealed.*].

THE CRIMINAL LAW AMENDMENT ACT, 1932

ACT NO. 23 OF 1932¹

[19th December, 1932.]

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 ^{2***} the Indian Criminal Law Amendment Act, 1908 (14 of 1908), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title, extent, duration and commencement.—(1) This Act may be called the Criminal Law Amendment Act, 1932.

³[(2) It extends to the whole of India except ⁴[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].]

^{5*} * * * * *

(4) The whole of the Act except ^{6***} section 7 shall come into force at once, and the State Government may, by notification⁷ in the Official Gazette direct that ^{8** *} section 7 shall come into force in any area on such date as may be specified in the notification.

2. [Dissuasion from enlistment.] Rep. by the Criminal Law Amendment Act, 1935, s. 2.

3. [Tampering with public servants.] Rep. by s. 2, *ibid*.

4. [Boycotting a public servant.] Rep. by s. 2, *ibid*.

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 ⁹sub-section (1) of section 99A 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).

6. [Dissemination of false rumours.] Rep. by the Criminal Law Amendment Act, 1935, s. 2.

1. The Act has been extended to Goa, Daman and Diu (with modifications) *vide* G.S.R. 863, dated 2-6-1966, Gazette of India, Extraordinary Pt. II, Sec. 3(i), p. 389 and to Pondicherry (with modification) *vide* G.S.R. 200, dated 7-2-1967, Gazette of India, Pt. II, Sec. 3(i), p. 230. The Act has been amended in Bombay by Bombay Act 24 of 1959.

2. The word “temporarily” omitted by the Criminal Law Amendment Act, 1935, s. 3.

3. Subs. by the A.O. 1950, for the sub-section (2).

4. Subs. by the Adaptation of Laws (No. 3) Order, 1956, for “Part B States”.

5. Sub-section (3) limiting the duration of the Act to three years from commencement, rep. by Criminal Law Amendment Act, 1935, s. 2.

6. The words and figure “section 4 and” omitted. by s. 4, *ibid*

7. S. 7 was brought into force in—

Former Province of Bihar and Orissa, from 26th December, 1932: *see* B. & O. Gazette, Extraordinary, dated 26th December, 1932;

The Delhi Province, from 24th December, 1932: *see* Gazette of India, Extraordinary, 1932, p. 429;

The City of Bombay, the Bombay Suburban district and the districts of Kaira, Ahmednagar, East Khandesh, West Khandesh, Ratnagiri and Kanara, from 29th December, 1932: *see* Bombay Gazette, Extraordinary, dated 27th December, 1932;

Amritsar district, from 31st December, 1932: *see* Punjab Gazette, Extraordinary, 1932, p. 163;

The districts of Cachar, Goalpara, Kamrup, Darrang, Nowgong, Sibsagar and Lakhimpur, from 7th January, 1933: *see* Assam Gazette, Extraordinary, dated 7th January, 1933;

Ajmer-Merwara, from 30th September, 1933: *see* Gazette of India, 1933, Pt. II-A, p. 716.

8. The words and figure “section 4 or” omitted by the Criminal Law Amendment Act, 1935, s. 4.

9. Now see sub-section (1) of section 95 of the Code of Criminal Procedure, 1973 (2 of 1974).

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 person.] Rep. by the Criminal Law Amendment Act, 1935, s. 2.

9. Procedure in offences under the Act.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 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 sections ^{1***} 5 ^{2***} or 7 shall be cognizable by the police; police;

^{3*} * * * * *

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

10. Power of State Government to make certain offences cognizable and non-bailable.—(1) The State Government may, by notification⁴ in the Official Gazette, declare that any offence punishable under section 186, 188, 189, 190, 228, 295A, 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), be cognizable, and thereupon the Code of Criminal Procedure, 1898, 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, declare⁴ that an offence punishable under section 188 or section 506 of the Indian Penal Code (45 of 1860), shall be non-bailable.

11. [Amendment of section 16, Act 14 of 1908.] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedule.

12. [Amendment of section 17, Act 14 of 1908.] Rep. by s. 2 and the Schedule. *ibid.*

13. [Insertion of new sections 17A, 17B, 17C, 17D, 17E and 17F in Act 14 of 1908.] Rep. by the s. 2 and the Schedule, *ibid.*

1. The figures “2”, “3” omitted by the Criminal Law Amendment Act, 1935, s. 5.

2. The figures “6” omitted by s. 5, *ibid.*

3. Clause (iii) omitted by s. 5, *ibid.*

4. For such notifications, as to the former Province of Bihar and Orissa, see B. & O. Gazette, Extraordinary, dated 26th December, 1932; and as to the former Presidency of Bombay, see Bombay Gazette, Extraordinary, dated 27th December, 1932.

14. [*Amendment of title and preamble of Act 23 of 1931.*] *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedule.*

15. [*Amendment of s. 1, Act 23 of 1931.*] *Rep. by the Criminal Law Amendment Act, 1935, s. 2.*

16. [*Amendment of s. 4, Act 23 of 1931.*] *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Schedule.*

17. [*Cessation of effect of s. 62, Ordinance 10 of 1932.*] *Rep. 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 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 (45 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.

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, 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.*] *Rep. by the Criminal Law Amendment Act, 1935, s. 2.*