

THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922

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THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922

ACT NO. 22 OF 1922

[5th October, 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.

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) It shall come into force in any State or part of a State on such date³ as the State Government may, by notification in the Official Gazette, direct.

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.

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 ⁴[* * *] the Government established by law in ⁵[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.

1. Subs. by the A.O. 1950.

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

3. This Act came into force in Assam from 25th January, 1923, *see* Assam Gazette, 1923, Pt. II, p. 113; in the Punjab from 13th March, 1930, *see* Punjab Gazette, 1930, Pt. I, p. 342; in B. & O. (including the Sonthal Parganas) from 15th May, 1930, *see* B. & O. Gazette, Extraordinary, dated 13th May, 1930, and in the Bombay Presidency from 5th June, 1930, *see* Bom. Gazette, 1930; Pt. I p. 1394. The Act has also been declared to be in force in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), s 3 and Sch and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch.

Extended to Shahda, Nandurbar and Taloda Talukas of the West Khandesh District; the Dohad Taluka and the Jhalod Mahal of the Panch Mahal District of the State of Bombay by Schedule II of Act 20 of 1954.

4. The words “His Majesty or” omitted by the A.O. 1950.

5. Subs. by the A.O. 1948, for “British India or British Burma”. The words “or British Burma” were ins. by the A.O. 1937.

Explanation.—Expressions of 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.

4. Saving of acts done by police associations and other persons for certain purposes.—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.

5. Sanction to trial of offences by Subordinate 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, ¹[* * *] of the Commissioner of Police.

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

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

1. The words “or the town of Rangoon” omitted by the A.O. 1937.

THE SCHEDULE

(See section 2.)

Year.	No.	Short title.
<i>Acts of the Governor General in Council.</i>		
1859	XXIV	The Madras District Police Act, 1859
1861	V	The Police Act, 1961.
¹ *	*	* * *
1888	III	The Police Act, 1888.
1892	V	The Bengal Military Police Act, 1892.
<i>Madras Act.</i>		
1888	III	The Madras City Police Act, 1888.
<i>Bombay Acts.</i>		
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
<i>Bengal Acts.</i>		
1866	II	The Calcutta Suburban Police Act, 1866.
”	IV	The Calcutta Police Act, 1866.
1890	III	The Calcutta Port Act, 1890.
1920	II	The Eastern Frontier Rifles (Bengal Battalion) Act, 1920.
² *	*	* * *
<i>Assam Act.</i>		
1920	I	The Assam Rifles Act, 1920.
<i>Regulation by the Governor General in Council.</i>		
1888	II	The Andaman and Nicobar Islands Military Police Regulation, 1888.

1. The entry relating to the Burma military Police Act, 1887 (15 of 1887) omitted by the A.O 1948.

2. The entry relating to the Rangoon Police Act, 1899 (Burma 4 of 1899), omitted by *ibid.*,