

ACT No. XXIII OF 1925.

PASSED BY THE INDIAN LEGISLATURE.

(Received the assent of the Governor General on the
11th September, 1925.)

An Act to confer certain exemptions on members of legislative bodies constituted under the Government of India Act.

WHEREAS it is expedient to exempt members of any legislative body constituted under the Government of India Act from liability to serve as jurors or assessors and from arrest and detention in prison under civil process at the time of meeting of such body or of a committee thereof; It is hereby enacted as follows:—

1. (1) This Act may be called the Legislative Members Exemption Act, 1925. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. After clause (a) of section 320 of the Code of Criminal Procedure, 1898, the following clause shall be inserted, Amendment of section 320, Act V of 1898. namely:—

“(aa) members of either Chamber of the Indian Legislature and members of a Legislative Council constituted under the Government of India Act;”

3. After section 135 of the Code of Civil Procedure, 1908, the following section shall be inserted, Insertion of new section 135A in Act V of 1908. namely:—

“135A. (1) No person shall be liable to arrest or detention in prison under civil process—

(a) if he is a member of either Chamber of the Indian Legislature or of a Legislative Council constituted under the Government of India Act, during the continuance of any meeting of such Chamber or Council; Exemption of members of legislative bodies from arrest and detention under civil process.

(b) if
1

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Legislative Members Exemption. [ACT XXIII OF 1925.]

- (b) if he is a member of any committee of such Chamber or Council, during the continuance of any meeting of such committee;
- (c) if he is a member of either Chamber of the Indian Legislature, during the continuance of a joint sitting of the Chambers, or of a meeting of a conference or joint committee of the Chambers of which he is a member;

and during the fourteen days before and after such meeting or sitting.

(2) A person released from detention under sub-section (1) shall, subject to the provisions of the said sub-section, be liable to re-arrest and to the further detention to which he would have been liable if he had not been released under the provisions of sub-section (1)."