

ASSAM CRIMINAL LAW AMENDMENT ACT, 1934

111 OF 1934] ASSAM CRIMINAL LAW AMENDMENT ACT ASSAM ACT 111 OF 1934 75 THE ASSAM CRIMINAL LAW AMENDMENT ACT, 1934* (Published in the Assam Gazette of the 9th May 1934.) Preamble. Whereas it is expedient to supplement the ordinary criminal law in Assam; And whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act; It is hereby enacted as follows:— 1.(1) This Act may be called the Assam Criminal Short Title Law Amendment Acts 1934. (2) It extends to the whole of Assam. Commencement, extent and duration. (3) This section and section 2 shall come into force at once. -1. [The remaining provisions of this Act, in whole or in part, shall come into force in such areas and on such dates as the (appropriate Government) may by notification in the [official Gazette] specify and for this purpose different dates may be specified for different areas]. Definition

2. In this Act, unless there is anything repugnant V of 18%. in the subject or context, "the Code" means the Code of Criminal Procedure, 1898. *For Statement of Objects and Reasons, see Assam Gazette (Extraordinary) dated 9th March, 1934: for Proceedings in Council, see Assam Gazette, 1934, Part VI, pages 337—339, 69—TOT 787—835, 861—888

1. Substituted by Assam Act IT of 1986 for the words "The remainder of the Act shall come into force in such area and on such date as the Government may by notification direct"

2. Substituted by the A.O. 1937 for "L. G". Substituted by the A. O. 1937 "for Assam Gazette". ASSAM CRIMINAL LAW AMENDMENT ACT 76 power of the [and the appropriate Government] means, in appropriate relation to any of the matters enumerated in List Government dir in the Seventh Schedule to I the Constitution. Central Government, and in relation to any other trial Commission matter, the [State Government]g. 3.(1) The (appropriate Government)? may, by order in writing direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Act. (2) No order under sub-section (1) shall be made in respect of or be deemed to include, any person who has been committed under the Code for trial before a High Court, but save as aforesaid an order under that sub-section may be made in respect of or may include, any person accused of any offence specified in the First Schedule Whether the offence was committed before or after the commencement of the Act. 4. (1) Commissioners for the trial of persons Appointment and qualification under this Act shall be appointed by the (appropriate Government). 14 Commissioners. (2) Such Commissioners may be appointed for the whole of Assam or for any part thereof, or for the trial of any particular accused person or persons. (3) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who at the time of appointment under this section are serving as, and have for at least three years served as or exercised the power of, Sessions Judges or Additional Sessions Judges, or are persons qualified [under clause (2) of Article 217 of the Constitution for appointment as Judges of a High Court. (4) At any time before the commencement of the trial of any person under this Act, the [appropriate Government] may, by an order in writing stating the reasons therefore, withdraw the case of such person from the Commissioners appointed for the trial and transfer it for trial to three other Commissioners appointed in this behalf. 1 Substituted by the A. O. 1950 for the Government of India Act, 1935." 2 Substituted by A.O. 1950 for "Provincial Government". 3 Inserted by the A. O

1937. Substituted by A.O. 1937 for "L. G." 5 by the A. O

1950. ACT 1 III OF 1934] ASSAM CRIMINAL - LAW AMENDMENT ACT (5) At any time in course of trial or before commencement of trial if an accused has any reasonable apprehension that he will not have a fair trial in the hands of the Commissioners appointed by the [appropriate Government] as aforesaid he shall have the right to move the [appropriate Government] for transfer of the case to three other Commissioners to be appointed by the [appropriate Government]. 5. (1) Commissioners appointed under this Act Procedure of Commission may take cognisance of offences without the accused persons [being committed to them for trial, and in trying accused persons, shall, subject to the provisions of section 13, record evidence in the manner prescribed in section 356 of the Code and shall, in other respects also, subject to the Act and to any rules made thereunder follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates. (2) In the event of any difference of opinion among the Commissioners, the

opinion Of the majority shall prevail. 6. (1) The Commissioners may pass upon any Powers of person convicted by them any sentence authorised by sionen. law for the punishment of the offence of which such person is convicted. (2) if any trial under I.V:is Act it is found that the accused person has commit any Offence Whether such offence -is or is not an Offence specified in the First Schedu!e, the Commissioners may corvict such parson of such oflence and pass any sentence authorised by la•v lör the punishment thereof. The provisions or the Code, so far only as Application they are not inconsistent with theprovsions Of, or the Of the Code Criminal ecial procedure prescribed by or under, this Act Procedure to all apply to the proceedings of Commissioners procx•edings appointed under this Act, and such Commissioner of Commis- shall have all the powers conferred by the Code on a Sionen. Court Of Sessions exercising original jurisdiction. by the S. O. 1 031 for C•Locai Government".

70. Prcedure AssAb1 CRIMINAL LAW AURNDMENT ACT [Assau ACT, 8.Notwithstanding anything contained in this for trial of Act or in any other Act— coccaccused who surren- • is ders or arrested af- ter com mene cement --0 f trial or con- clusion of pr evioug nial. (1) (a) if after the commencmnt of a trial by Commissioners under this Act any person surrenders or is arrested who, in the opinion of the [appropriate Govern- nmentl* might, if he had surrendered or been arrested before the commencement of th: t. ial, have been tried jointly with the trial the [appropri ate pe rsone under Govevrrru nt]\$ may direct that he shall be pl xccd on his trial jointly with such other pcxsons at the said trial : Provided that the name of such person was included with the names of the persons under trial in the order under sub-section (1) of sector. 3 direcng their trial or in the u•port under clause (a) of sub-section (1) of section 173 of the Code; (b) when any pet son in respect of whom a direction has been made under sub-clause (a) is produced before the Commissioners, any evidence already recorded in the trial may be admitted as evidence against him or in his favour; (2) in a tlial by Commissioners under this any person who has surrendered or Leen arrested after the conclusion of a previous trial under (Lis Act at which, in the opinion of the Commissioners, he migh', if he had surrendered or been arres- ted before the commencement of such have been tried jointly previous trial, with the pctsons then tried any evidence recen ded tn such previous trial may be admitted as evidence against him or in his favour : Provided that the name of such person was included with the names of the persons previously tried in the order under sub- section (1) of section 3 directing their trial or in the report ur.der clause (a) of sub-section (1) of section 173 or the Code. *Substituted by the A O. 1937 for € 'I..ocal Government". Ill OF 1934] ASSAM CRIMINAL LAW AMENDMENT Acr (3) where any evidence recorded in the ab- sence of the accused person is admitted under sub-clause (b), or clause (1) or clause (2) the Commissioners may on their own motion recall any witness who has given such evidence in order that he may be further examined or cross-examined and shall, at the instance of the accused person or his pleader, recall any such witness for such purpose, unless, in the opinion of the Commissioners, for reasons to be recorded in writing, it is not necessary in the interest or justice that the witness should be recalled. (4) The provisions of this section shall apply— (i) to the trial of persons who surrendred or were arrestcei before the date of the commencement of this Act, in regpct of any offence for which they have not at such date been placed on trial, as well as to the trial of persons who surren&r or are arrested after that date; (ii) to the admission of any evidence recorded, whether such evidence was recorded be- fore or after the said date in a trial under khis Act. 3 9. (1) Commissioners tryingr an offence under render of Pardon. this Act may, with a view to obtaining the evidence of any person supposed to have been directly concerned in or privy to, the offence, tender a pardon to such person On condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative, to the offence and to every other person concerned, whether as principal or abettor, , in the commission thereof. (2) IVherc, in the case of any ofTence for the trial of which by Commissioners an order has been made under sub-section (I) of section 3, a pardon has, before the passing of such order, been tendered to and accepted by any person under section 337 of the Code, the provision or sub-sections (2) and (3) Of that section of the Code shall apply as if the accused person had been committed for trial to the Com- missioners, 80 ASSAM CRIMINAL LAW AMENOntENT Acr tAsuu Åcf (3) For the purpose of sections 339 and 339A of the Code 1 tndcred under sub-section (8) and su b-section (2) shall be deemed respec.tively to nave been vendeder under sections 338 and 337 of the Code. Po •er to IO. (1) In any trial by Conymissioncr.s appointed exclude per- under this Act, the Comvnmissioncrs may, if they think son' o r public from fit, order at any stage of the trial that the public place of trial. Power to deal with refractory accused. generally or any p Irticul.u• person shall not have

access to, or be or remain in, the room or building used for the trial. (2) "If in the case of any such trial the Prosecutor certifies in to the [Government] Commissioners that it is expedient in the interests of the public peace or safety, or of the peace or safety of any of the witnesses in the trial that the public generally should not have access to or be or remain in, the room or building used for the trial, the Commissioners may order accordingly. 11, When any accused, in a trial by Commissioners appointed under this Act, »as by his voluntary act rendered himself incapable of appearing before the Commissioners or resists his production before, then or behaves before them in a persistently disorderly manner, the Commissioners may, at any stage of the trial by orders in writing made after such inquiry as they think fit, dispense with the attendance of such accused for such period as they may think and proceed with the trial in his absence, provided the accused is represented by a pleader. (2) Where a plea is required in answer to a charge from an whose attendance has been dispensed with under sub-section (1), such accused shall be deemed to plead not guilty. I Substituted by the A. O. 1950 for "Crown". 014934] ASSAM CRIMINAL LAW AMENDMENT ACT of 1972 (3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being present in person if he has become capable or appearing or appears before the Commissioners and undertakes to behave in an orderly manner. (4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial by Commissioners appointed under this Act shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of accused whose attendance has been dispensed with under sub-section (1) (1)

12. Notwithstanding anything contained in the Special rule Indian Evidence Act, 1872, when the statement of any witness or evidence person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance or incapacity has been caused in the interest of the accused. 13. (1) In any trial by Commissioners appointed under this Act, a Commissioner may dictate the evidence of any witness in narrative form to a stenographer, typist or clerk, who shall take down the same: Provided that the Commissioners may cause any particular question or answer to be so taken down. (2) The evidence taken down under sub-section (1), or a transcript or copy thereof, shall be signed by the Commissioners after they have corrected any clerical errors therein, and on such signature shall form part of the record. (3) Notwithstanding anything contained in section 356 of the Code where evidence is recorded in the manner provided in sub-sections (1) and (2) it shall not be necessary for the Commissioners to record any memorandum of such evidence. Special provisions for recording evidence

14. The [appropriate Government] may, by notification in the Official Gazette, make rules not inconsistent with this Act to provide for all or any of the following matters, namely:— (i) the times and places at which Commissioners appointed under this Act may sit. Substituted by the A. O. 1937 for "Local Government". Substituted by the A. O. 1937 for "Assam Gazette". ASSAM CRIMINAL LAW [Amendment Act] (ii) (iii) the procedure of such Commissioners including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person; the conduct of and the procedure at trials, the manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecutions; Appeal and Vice the execution of sentences passed by such Commissioners; (v) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and the transmission of records to the Commissioners; and (vi) any matter which appears to the [appropriate Government] to be necessary for carrying into effect the provisions of this Act relating to or ancillary, to trials before Commissioners. 15. A person convicted on a trial held by Commissioners under this Act may appeal [to the High Court of the State of Assam] 2 and such appeal shall be disposed of by the High Court in the manner provided in Chapter xxxi of the code. When a Commissioner passes a sentence of death, the record of the proceedings before them shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court which shall exercise in respect of such proceedings all the powers conferred on the High Court, by xxvii of the Code. Substituted by the A. O. 1937 for "Local Government", 2 by the A. O. for "the High Court of the State of Bengal" 111 1934] ASSAM CRIMINAL LAW AMENDMENT ACT 1934 16. (1) Where, in the opinion of the [appropriate Government] or the

Government] 1, there are reasonable grounds for appropriate believing that any person— (i) is a member of an association of which the avowed objects or the doing of any act with a view to interfere by violence or threat of violence with the administration of justice: or has been instigated or is being controlled by a member of any association with a view to the commission or doing of any such offence or act: or has done or is doing any act to assist the operations of any such association: or to [appropriate Government] I may, after giving the person or persons concerned such reasonable opportunity to explain his conduct as may be practicable, by order in writing, give any or all of the following directions— (g) shall notify his residence and any change of residence to such authority as may be specified in the order: (b) shall report himself to the police in such manner and at such periods as may be so specified: (G) shall conduct himself in such manner or abstain from such acts as may be so specified: (d) shall not enter, reside in or remain in any area so specified: (a) shall not enter, reside in or remain in any area so specified: (f) shall be committed to custody in jail; and may at any time add to, amend, vary or rescind any order made under this section: by the A. O. 1037 for "Local Government".

ASSAM CRIMINAL LAW ACT 1934. Provided that such order shall be reviewed by the [appropriate Government] at the end of one year from the date of the order, and shall not remain in force for more than one year unless upon such review the [appropriate Government] directs its continuance. (2) [appropriate Government] in its order under sub-section (1) may direct— the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer or by any [servant of the Government] 2 to whom the order may be directed or endorsed by or under the general or special authority of the [appropriate Government]; the search of any place specified in the order which in the opinion of the [appropriate Government] has been, is being or is about to be used by such person for the purpose or doing any act, or committing any offence, of the nature described in sub-section (j). 17. (1) An order made under sub-section (1) of section 16 for the service of a summons, and upon such service such person shall be deemed to have had due notice thereof. (2) an order made under sub-section (1) of section 16 is not served personally on the person in respect of whom it is made, and due diligence has, in the opinion of the [appropriate Government] 1, been exercised to effect such service, the [appropriate Government] I may, by a notification published in the Official Gazette and in such newspapers as it thinks fit, direct the said person to appear before such [servant of the Government] 2 at such place and within such period as may be specified in the notification for the purpose of receiving the order. 1 Substituted by the A. O. 1937 for "Local Government". 2 "Servants, of the Crown" were substituted for "officer of the Government" by S.O. 1937, "Government" again has been substituted for "Crown" by A. O.

1950. Substituted by the A.O. 1037 for 'Assam Gazette'. 111 1934] LAW ACT 18. (1) Any [servant of the Government] 1 authorized by order in writing of the [appropriate Government] 2 may arrest without warrant any person against whom there exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 16. (2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act, or committing any offence of the nature described in sub-section (1) of section 16, and may require in writing any police officer subordinate to him and not below the rank of a Sub-inspector or any officer in-charge of a police station as defined in the Codes whether in the same or a different district or jurisdiction to search any such place and seize any such property. The officer to whom such requisition is addressed shall thereupon search the place or places specified in the requisition and forward the property found, if any, to the officer at whose request the search was made. The provisions of the Code, so far as they can be made applicable, shall apply to any search made under this sub-section. (3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the [appropriate Government] 2, and may, by order in writing, commit any person so arrested to custody pending receipt of the orders of the [appropriate Government] 2 and the [appropriate Government] 2 may by general or special order specify the custody to which such person shall be committed: Provided that no person shall be detained in custody under this section a period exceeding fifteen days, save under a special order of the [appropriate Government] 2, and no person shall in any case be detained in custody under this section for a

period exceeding two months. J c•Servants of the Crown" were substituted for 'officer of the Government' by A.O. 1937 'Government' • again has been substituted for 'Crown' by A. O. 1950. 2 Substituted by the A. O. 1937 for 'Local Government'. i 4 \$6 ,ASSAM CRIMINAL LAW AMENDMENT ACT Asmu Act Enforcement 11) The [appropriate Government] and every order' [servant of the Government] to whom any copy of any order made under section 16 has been directed or endorsed by or under the general or special authority Of the [appropriate Government] I may use any and every means necessary to enforce compliance with such order. (2) Any officer exercising any of the powers conferred by section 18 may use any and every means necessary to the full exercise of such powers. Penalties for 20. (1) Whoever knowingly and wilfully disobeys breach of any direction in an order made under sub-section (1) or order of section 16 shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. (2) Whoever fails to comply with any direction in a notification published under sub-section (2) or section 7 shall, unless he proves that he had no knowledge of the notification, or that it was not possible for him to comply therewith and that he has taken all reasonable steps to make known to the officer before whom he was directed to appear the place where he may be found and the cause which rendered it not possible for him to comply therewith, be punishable with imprisonment for a term which may extend to three years or with fine or with both. (3) Notwithstanding anything contained in the Code, any offence under this section shall be a cognizable and non-bailable offence, for which a warrant shall ordinarily issue in the first instance. 21. (1) Every person in respect of whom an photograph has been made under sub-section (1) of section 16 shall, if so directed by any officer authorised in person in respect of this behalf by general or special order Of the [appropriate Government] I — (a) permit himself to be photographed ; he has been made section 16 (b) allow his finger prints to be taken ; (c) furnish such officer with specimens of his handwriting and signature ; (d) attend at such times and places as such officer may direct for all or any of the foregoing purposes. I See note 2 proper foot note page. AssA.s,1 CRIMINAL LAW AMENDMENT ACT (2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both

22. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the First Schedule has been, is being or is about to be committed, and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe has been, is being or is intended to be, used for the commission of any such offence: and the provisions of the Code, so far as they can be made applicable shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search and an order search issued by the [appropriate Government];' under sub-section (2) of section 16 shall be deemed to be a search warrant issued by the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section. 23. (1) Within one month from the date of an order made under section 16, the [appropriate Government] under the scrutiny of section (1) of section 16, the [appropriate Government] By two judges. 8 shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a Statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him. The said Judges shall consider the facts and circumstances and the allegations and answers and shall report to the [appropriate Government] whether or not in their opinion there is lawful and sufficient cause for the order. (2) On receipt of the said report, the [appropriate Government] shall consider the same and shall pass such order thereon, as appears to the [appropriate Government] to be just or proper. Substituted by Ibe, A.O. 1937, for ('Local Govt') a ASSAM LAW (3) Nothing in this section entitle any person against whom an order has been made under sub-section (1) of section 16 to attend in person or to appear by pleader in any of the proceedings in reference to the said judges, and proceedings and report of the said Judges shall be confidential. Power to (1) When an order

nnq,cr (1) of guapend OPeration of section IG has been made again.xt a C erst)il. the [appro- rder under priate Government JI Illa y at any without condi- section 16. tions or upon any conditions Illic. h such person accept8, direct the suspension or cancellation such order. (2) If any condition cn which order- has been suspended or cancelled is in the opinion i [appro- priate Government] t not fnltil!eci, the i appropriate (Government 11 tnay ! evoke lite sti>rensiotl er cancri- lation, and thereupon tile in v, ilosc favour. the suspension or cancella tien was tiie.ide, ruay, if at large, be arrested by any police, officer without warrant, alifl the order illider subsection (1) of section 16 shall be deemed to bc in full force. (3) If the conditions on •.vhich h or cancellation has been made include the execution of a bond Willi or NY! tilout surci ics, the [appropriate Government P Inay at ont:c proceed to recover the penalty or such Bond. (4) A Magistrate 01 the first class Shal; in default of payment of such per,aity issue, . in this behnlt• by att officer of the lappropriate Govern- men t j 1 specially ctupowered, a warrant the attacbrnct and sale oj- the ntovabie property belovginer to the dct•aultcr or his estate if he be C.c.ad. (the issue of such a 'he ptovtö:ons of sniv;sec.tions (3) and (4) of section 514 01' thr Shail app!y to such recovery. 25. (J) The [approptiate Vinti Committees. order in writing, appoint persons illinks fit to constitute visiting conynittecs Coy the ptu•poses o; this Act, and shali by rnles prescxibe the functions which these cornmittces shall exercise. (2) Such rules shall provide perioclical visiL Ato pcrsons under restraint by reason of an order Inadc uuder sub-section (1) or section 16. (3) No person respect or vati)' such order has been made requiring liinl to notifi his residence or change of residence or to repore hitnsell' to the police or to abstain from any specified act, shall ulcrned to be under restraint {Or the of sub,section ACT i931J .\ssAM GRIhli.VAL LAW ACT 26. The [appropriate Gova p G)all make ances to every person who pcrsons restraint by under res— reason oi an order sub-scoti (1) traint an/ a monthiv such azuount their depend- is, in the opimon of I a: ctxunentj,j encc. adequate for the of n-iaiy also make to any Oil,cjs o" his family or ileac who are dependent on sucii alimvaljcc ' : ialC ertunentJL as may seejn appropriate in all the (hc case. Explanation— restraint" 27. The [rules providing {lie. '(under followed regarding the and report to the police by pcisons in I/'>pcr.t of orde:s have been made under section In. p'lace ancl manner Of custody of ail sons .ted •or tooo detained in cast' '(iv 'f. r 28. Ail rule; i his glial' published in it nd on such publication silail have a;; c iiavtcci in this Act

29. No suit, o,' legal ptucerfiin•j shall lie a«ainst any wlli•--ii i; in good faith done or Power to Atake rules. Po bi:cation of rules. Bar to suits, prosecution and other ;eg.lt procccd• Act, and the pty•.vev» ings. Code shall not bc any perwnn arrested, commi this Act. in custody itnder Explanation.- or with out reasonable or shall be deemed as done or us•c.cl 30. The Amendment ef 1931. in the föllowingv : (J) Aller secti0'i 2 oi heading and sections sh,. Prohibition c/ ' :d'iica.'i/4t fication in noti- Power to e:ther .etii.'je€•t prohibit up- biication 01 tions and ns ms Inay bc cer'ain infor- in the the any manon• newspaper, book or ('ther ment of any class of h, ill Ille opinion of the [State Gover (cuds to creat- an a tnlnwspheic [tve.urable of (o IHOVc- garniii' tnent. J Substituted by the A. O) 9.37 i.r '6 L. G". 2 Substituted by the A. 0 tor G'.•.dla'." 3 This Act has b" Ntatter) Act, (Acc 4 SubsGtuted oy A. O for ' Ass»..u CRIBIINAL LAW AMENDMENT Acr [Assay Aet Pruhbit!on or names, etc., of ccr• tun Vignes• 0B. Neither the naa:e. the designation nor any words, signs or visible representations disclosing the identity of any witness in a trial by Commissioners appointed under the Aesatn Criminal Law Amendmen J 93: , shall, without cite permission Act, of the Cunaxnissi0i.crs, or, after the termina- lion of the trial, without the permission or the [Government by which Lhe Commis- Goners were Ec published in any newspapers, book or other document. (1) of section oc the Act (2) In sub-section after Clawe (i) the following words and clauses shall be inserted, 1121nely :--- "er •which (i) give any informjation in contravention of a notification under section 2-A, or disclose tbc identity of any witness in contravention of the proviaions of section 2-3." 1 enalty Whoever knowingly has in his possecuion tor pcs•esuon certain any newspaper, book or other docuwnt— of prohibiwd downmeniz. (a) the importation of which has been prohibit- VIII Of 1878. under the Sea Customs Act, ! 878, or (b' copies whereof have been declared to be forfeited to '[Government] 3 under any law for time being in force, shall be punishable witli imprigomnct which may extend to three years or with fi .c or with both. "02 I •as in his possession any Penölty po.semon paper book or Olher document contains any words, signs vr visible representations which— documents ineitiog to or mocouraging c•rnmue Sion or cero tain offnecs. 2. incite to or encourage, or ecad to incite XL of 1878, to or to encourage, the commission of VI of 1908, XLV.or any offence of murder, robbery, dacoity, or criminal intimidation, or any offence punishable under the Indian Act; 1878, the Explosive Substances

Act, 190b, or under sections 121, 122 A, 124 326, 329, 332, 386, 399, 400, 402, 435, '336, 4M), or •157, Illic indian Penal Code ; Sub:tituted by the 1937 for €fL•. sections 31 to 35 imited by Assam Act 11 of 1933. Sub (uted 'HC Mnjejtj" by Ibe B, O. i9J0. 111 1934) Ass.VM CREMTNAL LAW or (b) directly or indirectly express approval or admiration of any such ofTence in man- ner likly to encourage the. comnf,s ion of Lhe offence, shall, unless he proves that he had surli newgpaper, book or document in hie possession— in circumstances indicating that he (lid not intend that ii should, and did not it could, be used for the know that purpose of any doctrine tending to further or encouraee the terrorist movement; or (n) for the. purpose of bova e,ii.lr• research or study not cnnncted the furtherance or encouragement of the terrorist move- ment, be punishable with i imprisonment which mav extended to three ycatß or 'fine' or both. "33. In section 31 and 32, (book', 'document' Meaning of of and 'newspaper' have the some meaning as in clauses ('book" g) (2) and 5) respectively of section 2 of lhe Indian "document" •nd ress (Emergency Powers) Act, 1931. paper"" "34 (I) No Court shall take cognizance of Cogsixance an ofTence punishable under section 31 or of offence. under sec• section 32 except upon co aplaint made by 31 and order of or under authority frof the [appropriate 32. Government]' or a District Magi;trate empowered in thig behalf. the [appropriate Governmentl (2) No complaint shall be made under gub• section (I) unless the [appropriate Governmentll or the District Magistra tr, ag the case may be— is •atisfied that the newspaper, book of document in respect of whct the offence is alleged to have been committed con- cains words, sizns or visible representa- lions which tend to further or encourage the terrorist movement or the commission of any ofléncc in connccction with that movement , and is of opinion that the person alleged to have committed the offence— intended that the newspaper, book oc document should, or knew that it could be used for the purpose of disseminating any doctrine tending to further or encour- age the terrorist movement , or Agam An of 1935. is a person to whom the provisions of tub. (n) section (I) of section 16 of the Assam Criminal Law Amendment Act, 19", ar applicable. I, Subii5tü'ed by the A: O. 92 96cccet under • t ion 31 or A-sss'u JAV,' Acvr "35. anything contained in the under section 31 or section 32 be c Dyniz.abic and bailable." b e cognizable A nd bailable 'T iiE FIRST SC.UFt.)C.tX. (Sce 3 and 0) Any of ofTéncc3, if in the opinion of the [appropriate there are reasona- ble grounds for believing that .snc.it offence has been committed by member, or a person controlled or instimnted by 2 rocmbcr, of anv association of which the objects oc methods inc.Â:de the conunission of anv of such offences, lia rnclj (a) ony offence punishable under any of the following sections of the Indian Penal XLV of (c) Code namely, sections 121. 121-A, 122 1860. 123, H8, 216, 302, 304. 326, 327, 328 329, ".32. 333, 364, 385, 386. 387, 392' 393. 390, 397, 398, 399, 400, 401,' 1.02, 431, 433, 436, 437, 438, 454 435, 457, 439, 40.0 and 500 ; any offence under the Explosive of 1908 stances Act, 1908. any o[Féncc under the Indian Arms Act, any attempt or conspiracy to commit or any abetment of, any of the above ofTences. T HE SECOND SCHEDULE (Sce Section 16) Anv offence punisha ble under any of the following sec.tions of the Indian Penal of 1860. Code i namely, section 12! . 12:-A, 122, 123. 140, 216, 302. 304, 326, 327, 329, 33 » 333, 302 394, .05, 396, 397, 398, '101', 402, 431, 435, 436, 437, 399, 400, 438, no, 4.37, and 506. (2) Any oiicucc under the Explosive Sub. vr of 1908, stances Act, (3) Any oiü:ncc under the Inidan Arms Act, Xlof 1878. 1878. (4) Any attempt or conspiracy to commit, or anv abetment of. any the above offences. Sub,tituted by the A. O, 1937 "L.G". Act XLV