

ASSAM CRIMINAL LAW AMENDMENT ACT, 1935

ASSAM ACT VII OF 1935. [Published in the Assam Gazette of the 4th December 1935.] THE ASSAM CRIMINAL LAW AMENDMENT ACT, 1935. WHEREAS it is expedient to supplement the Pre-mble. Criminal Law in Assam and to that end to amend the Assam Criminal Law Amendment Act, 1934 And whereas the previous sanction of the Governor General has been obtained under sub-section (3) of section SOA of the Government of India Act to the passing of this Act ; It is hereby enacted as follows I. (1) This Act may be called the Assam Short title, eom m e ment Criminal Law Amendment Act, 1935 ; Aud extent. (2) It extends to the whole of Assam. (3) It shall come into force in such area and on such date as the Local Government may by notification direct

2. After section 30 of the Ass'ltm iminal Insertion ot ner sections In Law Amendment Act, 1934, the following see. Ammo Act Ili of 1934. Cions shall be inserted, namely 2— 31. Whoever knowingly has in his possession Penalty for possegsaoa of any newspaper, book or other document— certain prohibit• ed documents. (a) the importation. of which has been prohibited under the Sea Customs Act, 1878, or (b) copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punishable with imprisonment which may extend to three years or with fine or with both. Penalty for 32. Whoever bas in his possession any news- • paper, book or Other document which contains any documents mei ting to or en- words. signs or visible representations which— 8 the eommi»ion ot (a) incite to -or encourare, or tend to incite certain Off. to or to encourage, the commission of any offence of murder, robbery, dacoity, or criminal intimidation, or any offence punishable under the Indian Arms Act, 1878, the Explosive Substances Act, 190% or under sections 121, 121 A, 122, 124, 826, 3z9, 332, 356, 399, 400, 402. 111 ot VIII 1878. X1 ot 187B. Act XLV of 435. 436, 440, or 457 of the Indian Penal Code ; or Price English—I d.) [Indian— Ianna. 2 directly or indirectly express approval or admiration of any such offence in a manner likely to encourage the com- mission of the offence, shall, unless be proves that he had such news- paper, book or document in his possession— (i) in circumstances indicating that he did not intend that it should, and did not know that it could, be used for the purpose of disseminating any doctrine tending to further or encourage the terrorist movement, ; or (ii) for the purposes Of bond fide research or study not connected with the further• ance or encouragement of the terrorist movement, be punishable with imprisonment which may extend to three years or with fine, or with both

33. In sections 31 and 32, 'book', 'document' Mearing ot and and 'newspaper' have the same meaning as in "book" ••docn• ment•• clauses (2) and (5) respectively of section 2 f' newspaper". of the Indian Press (Emergency Inwers) Act, xxnt ot 1981. 34. (1) No Court shall take cognizance of an Cognizance ot offences under offence punishable under section 31 or section sections 3i and \$2 except upon complaint made by order u. of, or under authority from, the Local Government or a District Magistrate empowered by the Local Government, in this behalf. (2) No complaint shall be made under sub- section (1) unless the Local Government or the District Magistrate, as the Caso may be— (a) is satisfied that the newspaper, book or document in respect of which the offence is alleged to have been com- mitted contains words, signs or visible representations which tend to further or encourage the terrorist movement or the commission of any offence in connection with that movement ; and (b) is of opinion that tho person alleged to have committed the offence— (i) intended that tho newspaper, book or document should, or knew that it could. be used for the purpose of 3 disseminating any doctrine tending to further or encourage the terrorist movement ; or (ii) is a person to whom the provisions of sub-section (1) of section 16 of the Assam Criminal Law Amendment Ill Act, 1934, are applicable. ot '1 35. Notwithstanding anything contained in ander section 31 or gee• the Code. an offence punishable under section tion 32 to be and 31 or section 32 shall be cognizable and baila- A. G. P. (Leg.) No