



The Criminal Law Amendment (Bombay Amendment and Extension) Act,
1959

Act 24 of 1959

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**THE CRIMINAL LAW AMENDMENT (BOMBAY AMENDMENT AND
EXTENSION) ACT, 1959.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 15 of Act XIV of 1908.
3. Deletion of sections 16, 16-A and 17-A to 17-D of Act XIV of 1908.
4. Substitution of section 17-F of Act XIV of 1908.
5. Amendment of section 5 of Act XXIII of 1932.
6. Deletion of sections 18 and 19 of Act XXIII of 1932.
7. Extension of Act XIV of 1908 as Amended to Hyderabad and Saurashtra areas of Bombay State.
8. Amendment of section 1 of Act XIV of 1908.
9. Extension of Act XXIII of 1932 as amended to Hyderabad and Saurashtra areas of Bombay State.
10. Amendment of section I of Act XXIII of 1932.
11. Repeal and saving.

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BOMBAY ACT No. XXIV OF 1959.¹

[THE CRIMINAL LAW AMENDMENT (BOMBAY AMENDMENT AND EXTENSION)
ACT, 1959.]

[27th April 1959]

An Act further to amend the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 and to extend those Acts to the Hyderabad and Saurashtra areas of the State of Bombay.

XIV of 1908. XXIII of 1932. **WHEREAS** the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 extend to the whole of the State of Bombay except the territories which, immediately before the 1st November 1956, were comprised in Part B States;

Hyd. X-II of 1948. Fasli. Sen. Ord. XIV of 1949. **AND WHEREAS** in the Hyderabad area of the State the Hyderabad Public Security Act is in force and in the Saurashtra area the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 (Adaptation) Ordinance, 1949, is in force;

XIV of 1908. XXIII of 1932. **AND WHEREAS** it is expedient that the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932, be further amended for the purposes hereinafter appearing and be also extended to and brought into force in the rest of the State; and in consequence the corresponding laws aforesaid be repealed;

It is hereby enacted in the Tenth Year of the Republic of India as follows :—

1. This Act may be called the Criminal Law Amendment (Bombay Amendment and Extension) Act, 1959.
2. In the Indian Criminal Law Amendment Act, 1908, in its application to the pre-Reorganisation State of Bombay excluding the transferred territories, and the Kutch area and the Vidarbha region of the Bombay State (hereinafter referred to as "the principal Act of 1908"), in section 15, in clause (2), the word "or" at the end of sub-clause (a) and the whole of sub-clause (b) shall be deleted. Amendment of section 15 of Act XIV of 1908.
3. Sections 16 and 17A to 17D (both inclusive) of the principal Act of 1908 and section 16A inserted in the Indian Criminal Law Amendment Act, 1908, in its application to the pre-Reorganisation State of Bombay by section 27 of the Bombay Public Security Measures Act, 1947, shall be deleted. Deletion of sections 16, 16A and 17A to 17D of Act XIV of 1908.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1958, Part V, pp. 865-866.

Substitution
of section
17F of
Act XIV
of 1908.

4. For section 17F of the principal Act of 1908, the following shall be substituted, namely :—

Jurisdiction
barred.

“17F. Every declaration of forfeiture made, or purporting to be made, under this Act, shall, as against all persons, be conclusive proof that the property specified therein has been forfeited and save as provided in section 17E no proceeding purporting to be taken under that section shall be called in question by or in any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under that section.”

Amendment
of section
5 of Act
XXIII of
1932.

5. In the Criminal Law Amendment Act, 1932, in its application to the pre-^{XXIII} Reorganisation State of Bombay excluding the transferred territories, and the Kutch ^{of} areas and the Vidarhha region of the Bombay State (hereinafter referred to as ^{1932.} “the principal Act of 1932”), in section 5, in sub-section (2), the words, brackets and figures “or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931 ” shall be deleted. ^{XXIII} ^{of} ^{1931.}

Deletion of
sections 18
and 19 of
Act XXIII
of 1932.

6. Sections 18 and 19 of the principal Act of 1932 shall be deleted.

Extension of
Act XIV of
1908 as
Amended
to Hydera-
bad and Sau-
rashtra areas
of Bombay
State.

7. The principal Act of 1908, as amended by this Act, is hereby extended to, and shall in virtue of such extension be in force in, the Hyderabad and Saurashtra areas of the Bombay State.

Amendment
of section
1 of Act
XIV of
1908.

8. In the Indian Criminal Law Amendment Act, 1908, in its application to the ^{XIV} State of Bombay, in section 1,— ^{of} ^{1908.}

(1) in sub-section (2), after the words and letter “comprised in Part B States ” the words “, other than the Hyderabad and Saurashtra areas of the State of Bombay ” shall be inserted ;

(2) to sub-section (3), the following proviso shall be added, namely :—

“Provided that on the date of the commencement of the Criminal Law Amend-^{Bom.} ment (Bombay Amendment and Extension) Act, 1959, the whole of this Act ^{XXIV} shall come into force in that part of the State of Bombay in which it was not ^{of} ¹⁹⁵⁹ in force immediately before such date.”

Extension of
Act XXIII
of 1932 as
amended to
Hyderabad
and Saurash-
tra areas of
Bombay
State.

9. The principal Act of 1932, as amended by this Act, is hereby extended to, and shall in virtue of such extension be in force in, the Hyderabad and Saurashtra areas of the Bombay State.

XXIII of 1932. 10. In the Criminal Law Amendment Act, 1932, in its application to the State of Bombay, in section 1,—

Amendment of section 1 of Act XXIII of 1932.

(1) in sub-section (2), after the words and letter "comprised in Part B States" the words "other than the Hyderabad and Saurashtra areas of the State of Bombay" shall be inserted;

(2) to sub-section (4), the following proviso shall be added, namely:—

"Provided that in the Hyderabad and Saurashtra areas of the State of Bombay this Act except section 7 shall come into force on the date of the commencement of the Criminal Law Amendment (Bombay Amendment and Extension) Act, 1959."

Bom. XXIV of 1959.

Hyd. XII of 1948 Part I. 11. On the commencement of this Act,—

Repeal and saving.

(1) the Hyderabad Public Security Act, in its application to the Hyderabad area of the State of Bombay; and

San. Ord. XIV of 1949.

(2) the Indian Criminal Law Amendment Act, 1908 and the Criminal Law Amendment Act, 1932 (Adaptation) Ordinance, 1949, shall be repealed:

Provided that such repeal shall not affect—

(a) the previous operation of any law so repealed; or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(c) any investigation, legal proceeding or remedy in respect of such penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment, order, declaration or report made or consent or certificate given or notification issued) by or under any such law, shall, in so far as it is not inconsistent with the Indian Criminal Law Amendment Act, 1908 or the Criminal Law Amendment Act, 1932, as the case may be, in its application to the State of Bombay, be deemed to have been done or taken under the corresponding provisions of the relevant Act aforesaid.

XIV of 1908. XXIII of 1932.

**THE INDIAN CRIMINAL LAW AMENDMENT (MAHARASHTRA
AMENDMENT) ACT, 1975**

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Amendment of section 15 of Act XIV of 1908.
3. Insertion of section 16 in Act XIV of 1908.
4. Amendment of section 17 of Act XIV of 1908.
5. Insertion of sections 17A to 17D in Act XIV of 1908.
6. Amendment of section 17E of Act XIV of 1908.
7. Substitution of section 17F of Act XIV of 1908.
8. Repeal of Mah. Ord. VI of 1975 and saving.

MAHARASHTRA ACT No. XXXVIII OF 1975.¹

[THE INDIAN CRIMINAL LAW AMENDMENT (MAHARASHTRA AMENDMENT) ACT, 1975]

[8th September 1975]

An Act to amend the Indian Criminal Law Amendment Act, 1908

WHEREAS both Houses of the Legislature of the State were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Maharashtra, for the purposes hereinafter appearing ; and, therefore, promulgated the Indian Criminal Law Amendment (Maharashtra Amendment) Ordinance, 1975, on the 10th day of July 1975 ;

XIV
of
1908.
Mah.
Ord.
VI of
1975.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Criminal Law Amendment (Maharashtra Amendment) Act, 1975.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 10th day of July 1975.

2. In section 15 of the Indian Criminal Law Amendment Act, 1908, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in clause (2), after the words "habitually commit such acts," the following shall be inserted, namely :—

XIV
of
1908.

Amendment
of section 15
of Act XIV
of 1908.

" or

(b) which has been declared to be unlawful by the State Government under the powers hereby conferred. "

3. After section 15 of the principal Act, the following section shall be inserted, namely :—

Insertion of
section 16
in Act XIV
of 1908.

" 16. If the State Government is of opinion that any association interferes or has for its object interference with the public administration or the maintenance of supplies and services essential to the life of the community or the administration of the law or the maintenance of law and order, or that it constitutes a danger to the public peace, the State Government may, by notification in the *Official Gazette*, declare such association to be unlawful."

Power to
declare
association
unlawful.

4. In section 17 of the principal Act, in sub-section (3), for the words and figures "Code of Criminal Procedure, 1898" the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

Amendment
of section 17
of Act XIV
of 1908.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1975, Part V, p. 502.

Insertion of
sections 17A
to 17D in
Act XIV
of 1908.

5. After section 17 of the principal Act, the following sections shall be inserted, namely :—

Power to
notify and
take possession
of places used
for the
purposes of
an unlawful
association.

“ 17A. (1) The State Government or in any area for which a Commissioner of Police is appointed the Commissioner of Police and elsewhere the District Magistrate, may, by notification in the *Official Gazette*, notify any place which in its or his opinion is used for the purposes of an unlawful association.

Explanation.—For the purposes of this section, ‘place’ includes a house or building, or part thereof, or a tent or vessel.

(2) When any place is notified under sub-section (1), the Commissioner of Police or the District Magistrate, or any officer authorised in this behalf in writing by the Commissioner of Police or District Magistrate, as the case may be, may take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking possession to the State Government :

Provided that, where such place contains any apartment occupied by women or children reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable
property
found in a
notified
place.

17B. (1) The Commissioner of Police, District Magistrate or officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof in the presence of two respectable witnesses.

(2) If, in the opinion of the Commissioner of Police or District Magistrate, as the case may be, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed, subject to the provisions hereafter contained in this section, to order such articles to be forfeited to Government.

(3) All other articles specified in the list shall be delivered to the person whom the Commissioner of Police or District Magistrate, as the case may be, considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as he may direct.

(4) The Commissioner of Police or District Magistrate, as the case may be, shall publish, as nearly as may be, in the manner provided in section 82 of the Code of Criminal Procedure, 1973, for the publication of a proclamation, a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article. ^{II of 1974.}

(5) Where any such representation is accepted by the Commissioner of Police or District Magistrate, he shall deal with the article concerned in accordance with the provisions of sub-section (3).

(6) Where any such representation is rejected, the representation, with the decision thereon, shall be forwarded in Greater Bombay to the Chief Judge of the Small Cause Court and elsewhere to the District Judge, and no order of

forfeiture shall be made until the Chief Judge of the Small Cause Court or District Judge, as the case may be, has adjudicated upon the representation. Where the decision is not confirmed, the articles shall be dealt with in accordance with the provisions of sub-section (3).

V of 1908. (7) In making an adjudication under sub-section (6), the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply, and the decision of the Chief Judge of the Small Cause Court or District Judge, as the case may be, shall be final.

(8) If the article seized is livestock or is of a perishable nature, the Commissioner of Police or District Magistrate may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

17C. Any person who enters or remains upon a notified place without the permission of the Commissioner of Police or District Magistrate or of an officer authorised in this behalf by the Commissioner of Police or District Magistrate, as the case may be, shall be deemed to commit trespass. Trespass upon notified places.

17D. Before a notification under sub-section (1) of section 17A is cancelled, the State Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places. Relinquishment of property.

6. In section 17E of the principal Act,—

(a) in sub-section (3),—

(i) for the words "to the District Judge in a district, or to the Chief Judge of the Small Cause Court in a presidency-town," the words "in Greater Bombay to the Chief Judge of the Small Cause Court, and elsewhere to the District Judge," shall be substituted ;

(ii) for the words "unless the District Judge or Chief Judge of the Small Cause Court" the words "unless the Chief Judge of the Small Cause Court or District Judge" shall be substituted ;

(b) in sub-section (4), for the words "the District Judge or Chief Judge of the Small Cause Court," the words "the Chief Judge of the Small Cause Court or District Judge," shall be substituted ;

(c) in sub-section (7), for the words and figures "Code of Criminal Procedure, 1898" the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

7. For section 17F of the principal Act, the following section shall be substituted, namely :—

"17F. Every report of the taking possession of property and every declaration of forfeiture made, or purporting to be made under this Act, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited; as the case may be, and save as provided in sections 17B and 17E, no proceeding purporting to be taken under section 17A, 17B, 17C, 17D, or 17E shall be called in question by any Court, Substitution of section 17F of Act XIV of 1908. Jurisdiction barred.

Amendment of section 17E of Act XIV of 1908.

and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said sections or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Act "

Repeal of
Mah. Ord.
VI of 1975
and saving.

8. (1) The Indian Criminal Law Amendment (Maharashtra Amendment) Ordinance, 1975, is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken (including any notification issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the principal Act, as amended by this Act.

Mah.
Ord.
VI of
1975.

XIV
of
1908.