

## **Bengal Criminal Law Amendment Act, 1934**

**7 of 1934**

**[29 March 1934]**

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### PREAMBLE

An Act to supplement the criminal law in Bengal.

WHEREAS it is expedient to supplement the criminal law in Bengal for the purpose of dealing more effectively with the terrorist movement and to that end to amend the Indian Arms Act, 1878, the Explosive Substances Act, 1908, and the Indian Press (Emergency Powers) Act, 1931, in their application to Bengal, and also to amend the Bengal Criminal Law Amendment Act, 1930, and the Bengal Suppression of Terrorist Outrages Act, 1932, in the manner hereinafter appearing :

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. Short title :-**

This Act may be called the Bengal Criminal Law Amendment Act, 1934.

### **2. Amendment of Indian Arms Act, 1878, Explosive Substances Act, 1908, and Indian Press (Emergency Powers) Act, 1931 :-**

The Indian Arms Act, 1878, the Explosive Substances Act, 1908, and the Indian Press (Emergency Powers) Act, 1931, shall, in their application to <sup>1</sup>[West Bengal] be amended in the manner provided in this Act.

1. Words Substituted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

### **3. Amendment of section 19A of Act 11 of 1878 :-**

In section 19A of the Indian Arms Act, 1878, for the words, brackets and letters "under clause (c) or clause (e) or clause (f)" the words, brackets and letters "under clause (a), (c), (e) or (f)" shall be substituted.

### **4. Insertion of new section 20A in Act 11 of 1878 :-**

After section 20 of the Indian Arms Act, 1878, the following section shall be inserted, namely:-

"20A. Enhanced punishment in certain cases.--Notwithstanding anything contained in this Act, whoever goes armed with a pistol, revolver, rifle or other fire-arm in contravention of the provisions of

section 13, or has any such fire-arm in his possession or under his control in contravention of the provisions of section 14 or section 15, under circumstances indicating that he intended that such fire-arm should be used for the commission of any offence of murder shall, if he is tried by Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, be punished with death, or with transportation for life or any shorter term or with imprisonment for a term which may extend to fourteen years, to which fine may be added."

#### **5. Insertion of new section 5B in Act 6 of 1908 :-**

After section 5A of the Explosive Substances Act, 1908, the following section shall be inserted, namely :-

"5B. Enhanced punishment in certain cases.--Notwithstanding anything contained in this Act, any person who makes or has in his possession any explosive substance under circumstances indicating that he intended that such explosive substance should be used for the commission of any offence of murder shall, if he is tried by Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, be punished with death, or with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to fourteen years, to which fine may be added."

#### **6. Insertion of new sections 2A and 2B in Act 23 of 1931 :-**

After section 2 of the Indian Press (Emergency Powers) Act, 1931, the following sub-heading and sections shall be inserted, namely :-

"Prohibition of publication of certain information.

2A. Power to prohibit publication of certain information.--The <sup>1</sup>[State Government] may, by notification in the <sup>2</sup>[Official Gazette], prohibit either absolutely or subject to such conditions and restrictions as may be specified in the notification, the publication in any newspaper, news-sheet, pamphlet, leaflet or other document of any class of information which, in the opinion of the <sup>1</sup>[State Government], tends to excite sympathy with, or secure adherents to, the terrorist movement.

2B. Prohibition of publication of names, etc., of certain witnesses.--Neither the name nor the designation nor any words, signs or visible representations disclosing the identity of any witness in a trial by Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, or in a trial by a Special Magistrate under

the Bengal Suppression of Terrorist Outrages Act, 1932, shall, without the permission of the Commissioners, or of the Special Magistrate, as the case may be, or of the <sup>1</sup>[State Government], be published in any newspaper, news-sheet, pamphlet, leaflet, or other documents."

1. Words Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950, respectively.

2. Words Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937.

## **7. Amendment of section 4 of Act 23 of 1931 :-**

In sub-section (1) of section 4 of Indian Press (Emergency Powers) Act, 1931, after clause (i), the following words and clause shall be inserted, namely :-

"or which

(j) give any information in contravention of a notification published under section 2A, or

(k) disclose the identity of any witness in contravention of the provisions of section 2B."

## **8. Amendment of section 4 of Act 23 of 1931 :-**

In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931, before Explanation 1 the following proviso shall be inserted, namely :-

"Provided that no such declaration shall be made in a case to which clause (j) applies unless the keeper of the printing-press has had an opportunity of showing cause why such declaration should not be made."

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Rep. by Ben. Act 16 of 1946.