

Indian Criminal Law Amendment (Madras) Act, 1950

11 of 1950

[16 August 1960]

CONTENTS

1. Short title and extent
2. Amendment of section 15, Central Act XIV of 1908
3. Substitution of new sections for section 16, Central Act XIV of 1908
4. Amendment of section 17-A, Central Act XIV of 1908
5. Amendment of section 17-F, Central Act XIV of 1908
6. Saving

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PREAMBLE

An Act further to amend the Indian Criminal Law Amendment Act, 1908, in its application to the State of Madras.

Whereas it is expedient further to amend the Indian Criminal Law Amendment Act, 1908 (Central Act XIV of 1908), in its application to the State of Madras, for the purposes hereinafter appearing; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated the 28th July 1950, Part IV-A, pages 314-315.

1. Short title and extent :-

(1) This Act may be called the Indian Criminal Law Amendment (Madras) Act, 1950.

(2) It extends to the whole of the State of Madras.

2. Amendment of section 15, Central Act XIV of 1908 :-

In section 15, sub-section (2) of the Indian Criminal Law Amendment Act, 1908 (Central Act XIV of 1908) (hereinafter referred to as the said Act), for clause (b), the following clause shall be substituted, namely:--

" (b) which has been declared by the State Government by notification in the Official Gazette to be unlawful on the ground (to be specified in the notification) that such association--

(i) constitutes a danger to the public peace, or

(ii) has interfered or interferes with the maintenance of public order or has such interference for its object, or

(iii) has interfered or interferes with the administration of the law, or has such interference for its object".

3. Substitution of new sections for section 16, Central Act XIV of 1908 :-

For section 16 of the said Act, the following sections shall be substituted, namely:--

" 16. Procedure for issue of notification declaring association to be unlawful.

(1) A notification issued under clause (b) of subsection (2) of section 15 in respect of any association shall--

(a) specify the ground on which it is issued, the reasons for its issue, and such other particulars, if any, as may have a bearing on the necessity therefor; and

(b) fix a reasonable period for any office-bearer or member of the association or any other person interested to make a representation to the State Government in respect of the issue of the notification.

(2) Nothing in sub-section (1) shall require the State Government to disclose any facts which it considers to be against the public interest to disclose.

16-A. Reference to Advisory Board and cancellation or modification of notification.

(1) After the expiry of the time fixed in the notification for the making of representations in respect of the issue thereof, the State Government shall place before an Advisory Board constituted under sub-section (2) a copy of the notification and also of the representations, if any, received before such expiry.

(2) The State Government shall, whenever necessary, constitute one or more Advisory Boards; and each such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of the High Court, and one of them shall be its Chairman. The Chairman and the other members of each Board shall be appointed by the State Government.

(3) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information as it may deem fit from the State Government or from any office-bearer or member of the association concerned or any other person, submit its report to the State Government.

(4) The report of the Advisory Board shall specify in a separate part thereof its opinion or that of the majority of its members as to whether or not there was sufficient cause for the issue of the notification in respect of the association concerned.

(5) Nothing in this section shall entitle any person to attend in person or to appear by any legal representative in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part thereof in which its opinion or that of the majority of its members is specified, shall be confidential.

(6) In any case where the Advisory Board or a majority of its members has reported that there is no sufficient cause for the issue of the notification in respect of the association concerned, the State

Government shall cancel the notification in respect of such association."

4. Amendment of section 17-A, Central Act XIV of 1908 :-

In section 17-A of the said Act, after sub-section (2), the following sub-sections shall be inserted, namely:--

" (2-A) Any person aggrieved by a notification issued under sub-section (1) in respect of any place may, within thirty days from the date on which such notification is published in the Official Gazette, apply to the District Judge of the district in which such place is situated, or if such place is situated in the Presidency-town, to the Chief Judge of the Small Cause Court, for a declaration that the place has not been used for the purposes of any unlawful association and if such District Judge or Chief Judge makes such declaration, the State Government shall cancel the notification in respect of the place.

(2-B) In disposing of an application under sub-section (2-A), the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the investigation of claims so far as it can be made to apply; and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final."

5. Amendment of section 17-F, Central Act XIV of 1908 :-

In section 17-F of the said Act, for the words, figures and letters "save as provided in sections 17-B and 17-E", the words, figures and letters "save as provided in sections 17-A, 17-B and 17-E" shall be substituted.

6. Saving :-

(1) All notifications issued in respect of associations by the State Government before the commencement of this Act under section 16 of the said Act and not cancelled before such commencement shall, as from such commencement, have effect as if they had been issued under section 15 (2) (b) of the said Act as amended by this

Act:

Provided as follows:--

(i) In the case of every association to which any such notification applies, the State Government shall issue a supplementary notification as soon as may be after the commencement of this Act, specifying the ground, the reasons and the particulars, if any, referred to in section 16 (1) (a) of the said Act as amended by this Act, and fixing a reasonable period for the making of the representations referred to in section 16 (1)(b) of the said Act amended as aforesaid.

(ii) The procedure prescribed by section 16-A of the said Act as amended by this Act shall be followed thereafter.

(2) All notifications issued by the State Government before the commencement of this Act under section 17-A of the said Act and not cancelled before such commencement shall, as from such commencement, be deemed to have been issued under section 17-A of the said Act as amended by this Act:

Provided that an application may be filed under section 17-A (2-A) of the said Act as amended by this Act in respect of any such notification within thirty days from the commencement of this Act.

(3) All other notifications and orders issued before the commencement of this Act under any other provision of the said Act and not cancelled before such commencement shall, as from such commencement, have effect as if they had been issued under the corresponding provision of the said Act as amended by this Act.