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ASSAM ACT VII OF 1935.

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THE ASSAM CRIMINAL LAW AMEND- MENT ACT, 1935.

Preamble.

WHEREAS it is expedient to supplement the Criminal Law in Assam and to that end to amend the Assam Criminal Law Amendment Act, 1934.

III of 1934.

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 :—

Short title,
commencement
and extent.

1. (1) This Act may be called the Assam Criminal Law Amendment Act, 1935 ;

(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.

Insertion of
new sections in
Assam Act III
of 1934.

2. After section 30 of the Assam Criminal Law Amendment Act, 1934, the following sections shall be inserted, namely :—

Penalty for
possession of
certain prohib-
ited documents.

“31. Whoever knowingly has in his possession any newspaper, book or other document—

(a) the importation of which has been prohibited under the Sea Customs Act, 1878, or

VIII of 1878.

(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
possession of
documents incit-
ing to or encour-
aging the
commission of
certain offences.

“32. Whoever has in his possession any newspaper, book or other document which contains any words, signs or visible representations which—

(a) incite to or encourage, or tend to incite 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, 1908, or under sections 121, 121A, 122, 124, 326, 329, 332, 356, 399, 400, 402, 435, 436, 440, or 457 of the Indian Penal Code ; or

XI of 1878.

VI of 1908.

Act XLV of
1860.

Price English—1d.]

[Indian—1anna.]

- (b) directly or indirectly express approval or admiration of any such offence in a manner likely to encourage the commission of the offence,

shall, unless he proves that he had such newspaper, 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 *bonâ fide* research or study not connected with the furtherance or encouragement of the terrorist movement,

be punishable with imprisonment which may extend to three years or with fine, or with both.

Meaning of
"book", "document",
and
"newspaper".

"33. In sections 31 and 32, 'book', 'document' and 'newspaper' have the same meaning as in clauses (1), (2) and (5) respectively of section 2 of the Indian Press (Emergency Powers) Act, 1931.

XXIII of 1931.

Cognizance of
offences under
sections 31 and
32.

"34. (1) No Court shall take cognizance of an offence punishable under section 31 or section 32 except upon complaint made by order 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 subsection (1) unless the Local Government or the District Magistrate, as the case may be—

- (a) is satisfied that the newspaper, book or document in respect of which the offence is alleged to have been committed 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 the person alleged to have committed the offence—
- (i) intended that the newspaper, book or document should, or knew that it could, be used for the purpose of

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 Act, 1934, are applicable.

Assam Act III
of 1934.

Offences under section 31 or section 32 to be cognizable and bailable.

" 35. Notwithstanding anything contained in the Code, an offence punishable under section 31 or section 32 shall be cognizable and bailable."