

Rep. by Act...⁵⁶.....of 1974, S. 2 & Sch. I .

THE INDIAN PENAL CODE (AMENDMENT) ACT, 1969

No. 36 OF 1969

[7th September, 1969]

An Act further to amend the Indian Penal Code and to provide for matters incidental thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 1969.

Amend-
ment
of section
292 of Act
45 of 1860.

2. In the Indian Penal Code,—

45 of 1860.

(a) section 292 shall be re-numbered as sub-section (2) thereof and before sub-section (2), as so re-numbered, the following sub-section shall be inserted, namely:—

“(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.”;

(b) in sub-section (2) of section 292, as so re-numbered,—

(i) for the words “with imprisonment of either description for a term which may extend to three months, or with fine, or with both”, the words “on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees” shall be substituted;

(ii) for the *Exception*, the following *Exception* shall be substituted, namely:—

“*Exception*.—This section does not extend to—

(a) any book, pamphlet, paper, writing, drawing, painting, representation or figure—

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting,

representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or

(ii) which is kept or used *bona fide* for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in—

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.”;

24 of 1958.

(c) in section 293, for the words “with imprisonment of either description for a term which may extend to six months, or with fine, or with both”, the words “on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees” shall be substituted.

3. In the Code of Criminal Procedure, 1898,—

(a) in sub-section (1) of section 99A,—

(i) for the words “seditious matter”, the words “seditious or obscene matter”, and

(ii) for the words “punishable under section 124A or section 153A or section 295A”, the words “punishable under section 124A or section 153A or section 292 or section 293 or section 295A”,

shall be substituted;

(b) in section 108,—

(1) after the words “who, within or without such limits,” the brackets and figure “(i)” shall be inserted;

(2) after clause (c), the following shall be inserted, namely:—

(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code.”;

Amendment of sections 99A, 108 and Schedule II of Act 5 of 1898.

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(c) in Schedule II, for the entries relating to sections 292 and 293 of the Indian Penal Code, the following entries shall be substituted, 45 of 1860. namely:—

1	2	3	4	5	6	7	8
"292	Sale, etc., of obscene books, etc.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.	Court of Session.
293	Sale, etc., of obscene objects to young persons.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.	Court of Session."