

The Indian Criminal Law Amendment (Tamil Nadu) Act, 1950

Act 11 of 1950

Keyword(s):

Central Act Amendment, The Indian Criminal Law Amendment Act, 1908

Amendment appended: 42 of 1998

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ment (Tamil Nadu)

¹[TAMIL NADU] ACT No. XI OF 1950².

[THE INDIAN CRIMINAL LAW AMENDMENT ¹[TAMIL
NADU] ACT, 1950.]

*(Received the assent of the President on the 12th August 1950
first published in the Fort St. George Gazette Extraordi-
nary on the 16th August 1950.)*

**An Act further to amend the Indian Criminal Law Amend-
ment Act, 1908, in its application to the ³[State of Tamil
Nadu.]**

WHEREAS it is expedient further to amend the Indian **Central**
Criminal Law Amendment Act, 1908, in its application to **Act XIV**
the ³[State of Tamil Nadu], for the purposes hereinafter **of 1908**
appearing ; It is hereby enacted as follows :—

**I. (1) This Act may be called the Indian Criminal Law
Amendment ¹[Tamil Nadu] Act, 1950.**

Short title and
extent.

(2) It extends to the whole of the ³[State of Tamil
Nadu].

¹ These words were substituted for the word "Madras" by the
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*,
Extraordinary, dated the 28th July 1950, Part IV-A, pages 314-315.

³ This expression was substituted for the expression "State of
Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as
amended by the Tamil Nadu Adaptation of Laws (Second Amend-
ment) Order, 1969.

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Central
Act XIV
of 1908.

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

of section 15,
Central Act
XIV of 1908.

“(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. For section 16 of the said Act, the following sections shall be substituted, namely :—

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

“ 16. (1) A notification issued under clause (b) of sub-section (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.

Procedure
for issue of
notification
declaring
association
to be
unlawful.

(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. (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.

Reference to
Advisory
Board and
cancellation
or modification
of notification.

(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."

Amendment of
section 17-A
Central Act
XIV of
1908.

4. 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, 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. 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.

Amendment
of section 17F
Central Act
XIV of 1968.

6. (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 :

Saving.

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.

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 9th December 1998 and is hereby published for general information :—

ACT No. 42 OF 1998.

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

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Criminal Law Amendment (Tamil Nadu Amendment) Act, 1998.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

Principal Act
of 1908.

2. In section 15 of the Indian Criminal Law Amendment Act, 1908, (herein-
after referred to as the principal Act),—

Amendments of
section 15.

(a) after clause (1), the following clause shall be inserted, namely :—

“(1-A) “Tribunal” means the Tribunal constituted under section 16-B.”;

(b) in clause (2), for sub-clause (b), the following sub-clause shall be substituted, namely :—

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

3. For sections 16 and 16-A of the principal Act, the following sections shall be substituted, namely :—

Substitution of
sections 16
and 16-A.

“16. Power to declare association unlawful.—(1) If the State Government are of the opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the State Government may, by notification in the *Tamil Nadu Government Gazette*, declare such association to be unlawful.

(2) Every notification issued under sub-section (1) shall, in addition to its publication in the *Tamil Nadu Government Gazette*, be published in a daily newspaper having circulation in the locality in which the principal office, if any, of the association affected is situated, and shall also be served on such association in any of the following manner, namely :—

(a) by affixing a copy of the notification at some conspicuous part of the office, if any, of the association ; or

(b) by serving a copy of the notification, where possible, on the principal office bearers, if any, of the association ; or

(c) by proclaiming by beat of drum or by means of loudspeakers, the contents of the notification in the area in which the activities of the association are ordinarily carried on.

16-A. *Appeal*.—Any association aggrieved by a notification issued under section 16 may, within thirty days from the date on which such notification is published in the *Tamil Nadu Government Gazette*, prefer an appeal to the Tribunal :

Provided that in the case of a notification issued under this Act before the date of commencement of the Indian Criminal Law Amendment (Tamil Nadu Amendment) Act, 1998, any association aggrieved by such notification may, within thirty days from the date of such commencement, prefer an appeal to the Tribunal.

16-B. *Tribunal*.—(1) The State Government may, by notification, constitute, as and when necessary, a Tribunal for the purpose of section 16-A, consisting of one person, to be appointed by the State Government :

Provided that no person shall be so appointed unless he is a Judge of the High Court.

(2) If, for any reason, a vacancy (other than a temporary absence) occurs in the office of the presiding officer of the Tribunal, then, the State Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The State Government shall make available to the Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(4) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of the State.

(5) The Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it will hold its sittings.

(6) The Tribunal shall, for the purpose of appeal, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely :—

(a) the summoning and enforcing the attendance of any witness and examining him on oath ;

(b) the discovery and production of any document or other material object producible as evidence ;

(c) the reception of evidence on affidavits ;

(d) the requisitioning of any public record from any court or office ;

(e) the issuing of any commission for the examination of witnesses.

(7) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Central Act XLV of 1860) and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)."

4. All notifications issued under the principal Act in respect of associations by the State Government immediately before the date of commencement of this Act, shall, as from such date of commencement, have effect, as if, they had been issued under section 16 of the principal Act, as amended by this Act.

Saving.

(By order of the Governor)

A. K. RAJAN,
Secretary to Government, Law Department.