The Police (Incitement to Disaffection) (Maharashtra Amendment) Act, 1983

Act 23 of 1983

Keyword(s):
Police, Disaffection, Cognisable, Non-Bailable, Incitement
THE POLICE (INCITEMENT TO DISAFFECTION) (MAHARASHTRA AMENDMENT) ACT, 1983.

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MAHARASHTRA ACT No. XXIII OF 1983

[THE POLICE (INCITEMENT TO DISAFFECTION) (MAHARASHTRA AMENDMENT) ACT, 1983]

[This Act received assent of the President on the 15th April 1983; assent was first published in the Maharashtra Government Gazette, Part-IV, Extraordinary, on the 16th April 1983.]

An Act further to amend the Police (Incitement to Disaffection) Act, 1922 in its application to the State of Maharashtra.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Police (Incitement to Disaffection) Act, 1922, in its application to the State of Maharashtra, for the purposes hereinafter appearing, and therefore promulgated the Police (Incitement to Disaffection) (Maharashtra Amendment) Ordinance, 1983, on the 18th January 1983;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Police (Incitement to Disaffection) (Maharashtra Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 18th January 1983.

2. (a) Section 3 of the Police (Incitement to Disaffection) Act, 1922, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act") shall be renumbered as sub-section (1) of that section and in sub-section (1) so renumbered, for the portion beginning with the words "shall be punished" and ending with the words "or with both.", the following shall be substituted, namely:—

"shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than six months and such fine shall not be less than five hundred rupees.".

(b) After sub-section (1) of the said section 3, the following sub-section shall be added, namely:—

"(2) All offences under this Act shall be cognizable and non-bailable."

3. In section 5 of the principal Act, the words "or on the complaint," shall be deleted.

4. For section 6 of the principal Act, the following section shall be substituted, namely:

"6. (1) No Court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 11 of 1973, any Metropolitan Magistrate or any Judicial Magistrate of the first class may, if he thinks fit, try in a summary way all or any of the offences under this Act, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, so far as may be, apply to such trial:

Provided that where any case is tried summarily and the accused is convicted under this Act, no sentence of imprisonment for a term exceeding three months shall be passed by the Magistrate concerned and the provision for awarding punishment of minimum amount of fine under this Act shall not apply."

5. (1) The Police (Incitement to Disaffection) (Maharashtra Amendment) Ordinance, 1983 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued or rule made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken, issued or made, as the case may be, under the principal Act, as amended by this Act.