



The Kerala Criminal Law Amendment Act, 1962

Act 27 of 1962

Keyword(s):

Indian Penal Act, Prevention of Corruption Act, 1947

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Act 27 of 1962

THE KERALA CRIMINAL LAW AMENDMENT ACT, 1962^[1]

An Act to amend the Indian Penal Code and the Prevention of Corruption Act, 1947, in their application to the State of Kerala

Preamble. —WHEREAS it is expedient to amend the Indian Penal Code and the Prevention of Corruption Act, 1947, in their application to the State of Kerala, for the purposes hereinafter appearing;

Be it enacted in the Thirteenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Criminal Law Amendment Act, 1962.

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

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of section 161, Central Act 45 of 1860.*—In section 161 of the Indian Penal Code (Central Act 45 of 1860), after the explanation relating to “A motive or reward for doing”, the following explanation shall be inserted, namely:—

“ *'Public Servant'* .—For purposes of this section and sections 162, 163, 164, 165 and 165A, the words ‘public servant’ shall denote, besides those who are public servants under section 21 or who are deemed to be ‘public servants’ within the meaning of that section under any law for the time being in force, persons falling under any of the descriptions hereinafter following, namely:—

i. Every officer in the service or pay of the Travancore Devaswom Board or the Cochin Devaswom Board;

ii. Every officer in the service or pay and every member of the Wakfs Board constituted under the Wakfs Act, 1954 (Central Act 29 of 1954);

iii. The President and every member of a Village Court or Village Panchayat Court;

iv. Every member of the Board of Directors or of the executive or managing committee and every officer or servant of a co-operative society registered or deemed to be registered under the law relating to co-operative societies for the time being in force;

v. Every member of the governing body and every officer or servant in the service or pay of a society registered under the Travancore-Cochin Literary, Scientific

and Charitable Societies Registration Act, 1955 or the Societies registration Act, 1860, and receiving aid or grant from the Government;

vi. Every teacher or other officer or servant of the University of Kerala;

vii. Every examiner of a University Examination or a Government Examination;

viii. Every Manager, or teacher or servant of an educational institution which receives or has received aid or grant from the Government or the University of Kerala.”

*3. Amendment of Central Act 2 of 1947 .—*In the Prevention of Corruption Act, 1947 (Central Act 2 of 1947) —

(i) for section 2, the following section shall be substituted, name:—

“2. *Interpretation* .—For the purposes of this Act, “public servant” shall have the meaning assigned to it under the explanation to section 161 of the Indian Penal Code as amended by the Kerala Criminal Law Amendment Act, 1962.”;

(ii) in section 5A, for the words, figures and letter, “under section 161, section 165 or section “165A”, the words, figures and letter “under section 161, 162, 163, 164, 165 or 165A” shall be substituted;

(iii) in sub-section (1) of section 6, after clause (b), the following clause shall be inserted, namely: —

“(bb) in the case of a person falling under any of the descriptions mentioned in items (i) to (viii) in the explanation relating to ‘Public servant’ in section 161 of the Indian Penal Code as amended by the Kerala Criminal Law Amendment Act, 1962, save by or with the sanction of the State Government;”.