



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

Act 23 of 1983

Keyword(s):

Police, Disaffection, Cognisable, Non-Bailable, Incitement

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**THE POLICE (INCITEMENT TO DISAFFECTION) (MAHARASHTRA
AMENDMENT) ACT, 1983.**

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THE POLICE DEPARTMENT OF THE CITY OF NEW YORK
COMMUNICATIONS SECTION

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MAHARASHTRA ACT No. XXIII OF 1983¹

[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 promul-
gated the Police (Incitement to Disaffection) (Maharashtra Amendment) Ordinance,
1922. Mah. Ord. IV of 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.

Short title
and com-
mencement.

(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 appli-
cation 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:—

Amendment
of section 3
of Act XXII
of 1922.

"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 cognisable and non-bailable."

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

Amendment
of section 5
of Act XXII
of 1922.

¹For Statement of Objects and Reasons see *Maharashtra Government Gazette*, 1983, Part V,
dated 24th March 1983 at page 166.

Substitution
of section 6
of Act XXII
of 1922.

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

Trial of
cases.

“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, 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 : 11 of 1974.

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.”

Repeal and
saving.

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 (1) The Police (Incitement to Disaffection) (Maharashtra Amendment) Ordinance, 1983 is hereby repealed.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

(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.