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Bengal Act VII of 1934

[THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1934.]¹

REPEALED IN PART

Ben. Act XVI of 1946.

ADAPTED

- (a) The Government of India (Adaptation of Indian Laws) Order, 1937.
- (b) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
- (c) The Adaptation of Laws Order, 1950.

[29th March, 1934.]

An Act to supplement the criminal law in Bengal.

WHEREAS it is expedient to supplement the criminal law in Bengal for the purpose of dealing more effectively with the terrorist movement and to that end to amend the Indian Arms Act, 1878, the Explosive Substances Act, 1908, and the Indian Press (Emergency Powers) Act, 1931, in their application to Bengal, and also to amend the Bengal Criminal Law Amendment Act, 1930, and the Bengal Suppression of Terrorist Outrages Act, 1932, in the manner hereinafter appearing;

XI of 1878.
VI of 1908.
XXIII of
1931.
Ben. Act VI
of 1930.
Ben. Act XII
of 1932.

AND WHEREAS the previous sanction of the Governor General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act;

5 & 6 Geo.
V, c. 61;
6 & 7 Geo.
V, c. 37;
9 & 10 Geo.
V, c. 101.

It is hereby enacted as follows:—

1. This Act may be called the Bengal Criminal Law Amendment Act, 1934.

Short title.

2. The Indian Arms Act, 1878, the Explosive Substances Act, 1908, and the Indian Press (Emergency Powers) Act, 1931, shall, in their application to ²[West Bengal] be amended in the manner provided in this Act.

Amendment
of Indian
Arms Act,
1878,
Explosive
Substances
Act, 1908,
and Indian
Press
(Emergency
Powers) Act,
1931.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1934, Pt. IV, page 101, and for Report of the Select Committee, see *ibid*, page 106; and for Proceedings of the Council, see the Proceedings of the Bengal Legislative Council, Vol. XLIII, No. 2, pages 30 and 84 and *ibid*, No. 4, pages 442, 492, 533, 579, 630 and 698.

²The words within square brackets were substituted for the word "Bengal" by Art. 3(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

(Sections 3-6.)

Amendment
of section
19A of Act
XI of 1878.

3. In section 19A of the Indian Arms Act, 1878, for the words, brackets and letters "under clause (c) or clause (e) or clause (f)", the words, brackets and letters "under clause (a), (c), (e) or (f)" shall be substituted.

XI of 1878.

Insertion of
new section
20A in Act
XI of 1878.

4. After section 20 of the Indian Arms Act, 1878, the following section shall be inserted, namely:—

"Enhanced
punishment
in certain
cases.

20A. Notwithstanding anything contained in this Act, whoever goes armed with a pistol, revolver, rifle or other fire arm in contravention of the provisions of section 13, or has any such fire-arm in his possession or under his control in contravention of the provisions of section 14 or section 15, under circumstances indicating that he intended that such fire-arm should be used for the commission of any offence of murder shall, if he is tried by Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, be punished with death, or with transportation for life or any shorter term or with imprisonment for a term which may extend to fourteen years, to which fine may be added."

Insertion of
new section
5B in Act VI
of 1908.

5. After section 5A of the Explosive Substances Act, 1908, the following section shall be inserted, namely:—

"Enhanced
punishment
in certain
cases.

5B. Notwithstanding anything contained in this Act, any person who makes or has in his possession any explosive substance under circumstances indicating that he intended that such explosive substance should be used for the commission of any offence of murder shall, if he is tried by Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, be punished with death, or with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to fourteen years, to which fine may be added."

VI of 1908.

Insertion of
new sections
2A and 2B
in Act XXIII
of 1931.

6. After section 2 of the Indian Press (Emergency Powers) Act, 1931, the following sub-heading and sections shall be inserted, namely:—

"Prohibition of publication of certain information.

Power to
prohibit
publication
of certain
information.

2A. The [State Government] may, by notification in the [Official Gazette], prohibit either absolutely or subject to such conditions and restrictions as may be specified in the notification, the publication in any newspaper, news-sheet,

XXIII of
1931.

¹The words "Provincial Government" were originally substituted for the words "Local Government" by para. 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.

²The words within square brackets were substituted for the words "Local Official Gazette" by para. 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

of 1934.]

(Sections 7-27.)

pamphlet, leaflet or other document of any class of information which, in the opinion of the '[State Government], tends to excite sympathy with, or secure adherents to, the terrorist movement.

Prohibition of publication of names, etc. of certain witnesses.

2B. Neither the name nor the designation nor any words, signs or visible representations disclosing the identity of any witness in a trial by Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, or in a trial by a Special Magistrate under the Bengal Suppression of Terrorist Outrages Act, 1932, shall, without the permission of the Commissioners, or of the Special Magistrate, as the case may be, or of the '[State Government], be published in any newspaper, news-sheet, pamphlet, leaflet, or other documents."

Ben. Act XII of 1932.

7. In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931, after clause (i), the following words and clauses shall be inserted, namely:—

Amendment of section 4 of Act XXIII of 1931.

"or which

- (j) give any information in contravention of a notification published under section 2A, or
- (k) disclose the identity of any witness in contravention of the provisions of section 2B."

8. In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931, before *Explanation 1* the following proviso shall be inserted, namely:—

Amendment of section 4 of Act XXIII of 1931.

"Provided that no such declaration shall be made in a case to which clause (j) applies unless the keeper of the printing-press has had an opportunity of showing cause why such declaration should not be made."

9. to 27.—*Rep. by s. 3 and the Second Sch. of the Bengal Repealing and Amending Act, 1946 (Ben. Act XVI of 1946).*

¹See foot-note 1 on page 252, ante.