

Rajasthan Police (Incitement to Disaffection) Act, 1979

Act No. 11 of 1979

RJ194

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[Received the assent of the President on the 2nd day of November. 1979]

An Act to provide penalty for spreading disaffection among the police force and for kindred Offences.

Be it enacted by the Rajasthan State Legislature in the Thirteenth Year of the Republic of India as follows:

1. Short title, extent and commencement. - (1) This Act may be called the Rajasthan Police (Incitement to Disaffection) Act, 1979.

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

(3) It shall be deemed to have come into force on the 31st day of May, 1979.

2. Definition. - In this Act, the expression 'member of a police force' means any person appointed or enrolled for the performance of police duties under any enactment for the time being in force in the State.

3. Penalty for causing disaffection, etc. - Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause disaffection towards the Government established by law in the State amongst the members of a police force, or induces, or attempts to induce, or does any act which he knows is likely to induce any member of a police force to withhold his services or to commit a breach of discipline, shall be punished with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Explanation. - Expressions of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of disapprobation of the administrative or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.

4. Saving of acts done by police association and other persons for certain purposes. - Nothing shall be deemed to be an offence under this Act which is done in good faith, by or on behalf of any association formed of serving members drawn from the police force only for the purpose of furthering the interests of members of a police force as such, where the association has been authorised or recognised by the Government and the act done is done under any rules or articles of the association which have been approved by the Government.

5. Sanction to trial of offences by subordinate courts. - No court shall proceed to the trial of any offence under this Act except with the previous sanction, or on the complaint, of the District Magistrate.

6. Trial of cases. - (1) No court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) but subject to sub- section (2) of Section 262 thereof, an offence under this Act shall be triable summarily.

7. Offence to be cognizable and non-bailable. - Notwithstanding anything contained in the code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence under this Act shall be cognizable and non-bailable.

8. Repeal of Central Act 22 of 1922. - Upon the commencement of this Act, the Police (Incitement to Disaffection) act, 1922 (Central Act 22 of 1922), in so far as it extends to the Abu and Ajmer areas and other parts of the State, shall cease to have effect therein except in respect of anything done or suffered, or action taken, or any obligation or liability incurred, or any proceeding started thereunder before the commencement of this Act.

9. Repeal and Savings. (1) The Rajasthan Police (Incitement to Disaffection) Ordinance, 1979 (Ordinance No. 2 of 1979) is hereby repealed.

(2) Notwithstanding such repeal, anything done or action taken under the said

Ordinance shall be deemed to have been done or taken under this Act.