



THE CRIMINAL LAW AMENDMENT ACT, 1908



CONTENTS

SECTIONS:

1 Short title, and extent.

PART I **[Repealed.]**

PART II **UNLAWFUL ASSOCIATIONS**

15 Definitions.

16 Declaration of an association to be unlawful.

17 Penalties.

17A Power to notify and take possession of places used for the purposes of an unlawful association.

17B Moveable property found in a notified place.

17C Trespass upon notified places.

17D The relinquishment of property.

17E Power to forfeit funds of an unlawful association.

17F Jurisdiction barred.

18 Continuance of association.

THE SCHEDULE **[Repealed.]**

THE CRIMINAL LAW AMENDMENT

ACT, 1908.

¹ACT No. XIV OF 1908

[11th December, 1908]

An Act to provide for the more speedy trial of certain offences, and for the Prohibition of associations dangerous to the public peace.

WHEREAS it is expedient to provide for the more speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace; It is hereby enacted as follows:-

1. Short title and extent.—(1) This Act may be called the ²* Criminal Law Amendment Act, 1908.

¹For Statement of Objects and Reasons, see Gazette of India, 1908, Pt. IV, p.203; and for Proceedings in Council, see *ibid.*, Pt. VI, p. 158.

The Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., and the Excluded Area of Upper Tanawal (N.W.F.P) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has been extended to the Khairpur State by the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O. 5 of 1953), as amended.

It has been applied to the Baluchistan, by the Baluchistan Laws Reg., 1913 (2 of 1913), s.3 as amended by Reg. No. 9 of 1940.

It has also been extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see. Gazette of India, 1937, Pt. I. p. 1499.

It has also been extended to the whole of the Province of West Pakistan by Notification No. S.O. Spl. 1(1)/64, dated. 6th January, 1964, see the Gazette of W.P., 1964, Extraordinary, P.73.

For notification under section 16(1) and 17-A(1) of this Act relating to the cancellation and withdrawal of the Home Departments' Notification No. S.O.Spl. 1(2)/64, dated. 6th January, 1964 in respect of Jammāt-i-Islami as the unlawful association see the Gazette of West Pakistan, 1964, Ext. p. 2989.

This Act, which was rep. by Ordinance 29 of 1973, s.21, shall stand revived and shall have effect and shall be deemed always to have had effect as if it had never been rep. by the said Ordinance, see Act VII of 1974.

² The word "Indian" omitted by A.O., 1949.

¹[(2) It may, at any time, by notification in the official Gazette, be extended by a Provincial Government to the whole or any part of the Province.]

2* * * * *

PART I.—[SPECIAL PROCEDURE.] *Rep. by the Indian Criminal Law Amendment Repealing Act, 1922 (V of 1922), s.3.*

PART II

UNLAWFUL ASSOCIATIONS

15. Definitions. In this Part—

(1) “association” means any combination or body of Persons, whether the same be known by any distinctive name or not; and

(2) “unlawful association” means an association—

(a) which encourage or aids persons to commit acts of ³[terrorism, stirring up sectarianism, violence or intimidation which endanger or threaten public order] or of which the members habitually commit such acts, or

¹ Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and Second Sch., for sub-section (2), which had previously been amended by various enactments from time to time.

² Sub-section (3) omitted by the Indian Criminal Law Amendment Repealing Act, 1922 (5 of 1922), s.3.

³ Subs. by Act. XXVII of 1997, s.40.

(b) which has been declared to be unlawful by the ¹[Provincial Government] under the Powers here by conferred.

²**16. Declaration of an association to be unlawful.**—(1) If either the Federal Government or the Provincial Government is of the opinion that an association is an unlawful association it may call upon the association to show cause within fourteen days why it should not be declared as unlawful association for the purpose of this Act.

(2) If after hearing the association, the Federal Government or the Provincial Government is of the opinion that the association is an unlawful association it may declare such association to be an unlawful association.

(3) If the Federal Government or the Provincial Government is of the opinion that in the interest of the maintenance of public order or to prevent injury to the people it is just and necessary to take immediate action, it may, pending passing of order under sub-section (2), by an ad interim order, declare an association to be unlawful.

(4) An association aggrieved by an order under sub-section (2) may file an appeal before a Board appointed by the Chief Justice of the High Court of the Province consisting of a Chairman and two other persons each of whom is or has been a judge of a High Court.

(5) The Board shall decide the appeal within thirty days and may pass such order as it may deem fit.]

3* * * * * *

17. Penalties.—(1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to ²[five years] or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to ²[seven years], or with fine, or with both.

⁴[(3) An offence under sub-section (1) shall be cognizable by the police, and notwithstanding anything contained in the Code of Criminal Procedure, 1898 ([V of 1898](#)), shall be non-bailable.]

¹ Subs. by A.O., 1937, for "L.G", which had been subs. by Devolution Act, 1920 (38 of 1920), s.2 and First Sch., for "G.G in C".

² Subs. by Act. XXVII of 1997, s.40.

³ Sub-section (2), which was ins. by the Criminal Law Amendment Act, 1932 (23 of 1932), s.11, omitted by A.O., 1937.

⁴ Sub-section (3) ins. by Act 23 of 1932, s.12.

¹[17A. Power to notify and take possession of places used for the purposes of an unlawful association.]—(1) The ²[Federal Government or the] ³[Provincial Government] may, by notification in the ⁴[official Gazette], notify any place which in its opinion used for the purposes of an unlawful association.

Explanation.—For the purposes of this section “place” includes a house or building, or part thereof, or a tent or vessel.

(2) The District Magistrate ⁵* * *, or any officer authorised in this behalf in writing by the District Magistrate ⁶* * *, as the case may be, may thereupon take possession of the notified place and evict there from any person found therein and shall forthwith make a report of the taking possession of the ²[Federal Government or the] ³[Provincial Government];

Provided that where such place contains any apartment occupied by women or children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (1) in respect thereof remains in force.

¹17B. Moveable property found in a notified place.—(1) The District Magistrate ⁷* * * or officer taking Possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof in the presence of two respectable witnesses.

(2) If, in the opinion of the District Magistrate, ⁵* * *, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the

¹ Ss. 17A to 17F ins. by the Criminal Law Amendment Act, 1932 (23 of 1932), s.13.
For notification under section 16(1) and 17A (1) of this Act relating to the cancellation and withdrawal of the Home Department’s notification No. 15-Poll (III) and 16-Poll (III), dated 6th January, 1964, in respect of Jamat-e-Islami as an unlawful association, see the Dacca Gazette, 1964, Extraordinary, p.2357.

² Subs. by Act XXVII of 1997, s.40.

³ Subs. by A.O., 1937, for “L.G.”.

⁴ Subs. *ibid.*, for “local official Gazette”.

⁵ The words “or in a Presidency-town the Commissioner of Police” omitted by A.O., 1949.

⁶ The words “or Commissioner of Police” omitted, *ibid.*

⁷ The words “Commissioner of Police” omitted, *ibid.*