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PART VI

Bills introduced into the Council of the Governor General of India and Bills published before introduction in that Council

GOVERNMENT OF INDIA

LEGISLATIVE ASSEMBLY DEPARTMENT

The following Bill* was introduced in the Legislative Assembly on the 24th March 1942 :—

L. A. BILL No. 24 OF 1942

A Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose

WHEREAS it is expedient to amend the Indian States (Protection against Disaffection) Act, 1922, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title

1. This Act may be called the Indian States (Protection against Disaffection) Amendment Act, 193 .

Amendment of section 3

2. After sub-section (2) of section 3 of the Indian States (Protection against Disaffection) Act, 1922, the following sub-section shall be inserted, namely :—

“(3) Every person accused of committing an offence under this section shall be prosecuted and tried in a Court of law in the town or district where such publications were printed and in every case the appeal shall lie to a High Court of Judicature.”

* The Governor General has been pleased to accord the previous sanction required by clause (b) of section 108 (1) of the Government of India Act, 1935.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to amend the Indian States (Protection against Disaffection) Act, 1922, so as to make it clear that the prosecution of an offence committed under the Act can only take place in the town or district where such publications were first printed or where the editor or author of a newspaper or book or document usually resides. A journalist usually resides at the place where his newspaper is printed. Cases have occurred in the past when powerful interests have started the prosecution of an editor in a place where the offending document has been sold, thereby causing undue hardship for an editor or author to defend his case. At the time when the Indian States (Protection against Disaffection) Act, 1922, was enacted, the Government gave assurance that in every case of prosecution the defendant will have the right of appeal to a High Court. The latter part of sub-section (3), if passed, will legalise the intentions of the Government so definitely expressed.

MOHD. AHMAD KAZMI

MD. RAFI

Secy. to the Govt. of India