



THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922



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¹THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922.

²ACT No. XXII of 1922

[5th October, 1922]

An Act to provide a penalty for spreading disaffection among the police and for kindred offences.

WHEREAS it is expedient to penalize the spreading of disaffection among the police and other kindred offences; It is hereby enacted as follows:—

¹ This Act has been amended to the extent of Islamabad Capital Territory, see, Ordinance XXVII of 1981, s. 5 and 4th Sch.

² For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 62 ; and for Report of Select Committee, see *ibid.*, 1922, Pt. V, P. 253.

This Act has been extended to the Leased Areas of Baluchistan, see G.G.O. 3 of 1950, and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. 1, p. 1499.

This Act has been amended to extent of Islamabad Capital Territory see, Ordinance XXVII of 1981, s.5 and 4th Sch.,

1. Short title, extent and commencement.—(1) This Act may be called the Police (Incitement to Disaffection) Act, 1922.

¹[(2) It extends to the whole of Pakistan.]

(3) It shall come into force in any Province or part of a Province on such date²as the ³[Provincial Government] may, by notification in the ⁴[official Gazette], direct.

⁵**[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 the Police Act, 1861 (V of 1861), or the Police Act, 1888 (III of 1888).].

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 ⁶[Pakistan] or the Government established by law in ⁷[Pakistan] ⁸* * *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 associations and other persons for certain purposes. Nothing shall be deemed to be an offence under this Act which is done in good faith—

- (a) for the purpose of promoting the welfare or interest of any member of a police-force by inducing him to withhold his services in any manner authorised by law ; or
- (b) by or on behalf of any association formed 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.

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

²This Act came into force in the Punjab from 13th March, 1930, see Punjab Gazette, 1930, Pt. I, p. 342 ; in the Bombay Presidency (excluding Aden) from 5th June, 1930, see Born. Gazette, 1930, Pt. I, p. 1394 ; in the N.W.F.P. from 2nd June, 1930, see N.W.F.P. Gazette, 1930, Pt. I-A p. 95 ; and in Baluchistan from 1st September, 1930, see Gazette of India, 1930, Pt. II-A, p. 490.

³Subs. by A. O., 1937, for “L. G.”.

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

⁵Subs. by Ord. No. XXVII of 1981, s. 5 & Sch. (only to the extent of Islamabad Capital Territory)

⁶Subs. by A. O., 1961, Art 2 and Sch., for “His Majesty” (with effect from the 23rd March, 1956).

⁷Subs by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. by A.O. 1949, for “British India”.

⁸The words “or British Burma” which were ins. by A. O., 1937 omitted by A. O., 1949.

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 Magistrate¹ * * *.

6. Trial of cases.—(1) No Court inferior to that of a² * * * Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in Chapter XXII of the Code of Criminal Procedure, 1898 (V of 1898), no offence under this Act shall be triable summarily.

¹ The words "or, in the case of a Presidency-town * * *, of the commissioner of Police" omitted by A.O., 1949. The words " or the town of Rangoon" had been omitted by A.O., 1937.

² The words "Presidency Magistrate or" omitted by A. O., 1949.

