

THE POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922

(Act No. 22 OF 1922)

[15th October, 1922]

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An act to provide a penalt 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. Short title, extent and commencement

(1) This Act may be called the Police (Incitemenet to Disaffection) Act, 1922.

(2) It extends to the whole of India, except the territories which immediately before the 1st November, 1956, were comprised in Part B States.

(3) It shall come into force in any State or part of a State on such dates as the State Government may, by notification in the Official Gazette, direct

2. Definitions

In this Act, the expression “number of a Police force” means any person appointed or enrolled for the performance of police duties udner any enactment specified in the Schedule.

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 India amongst the members of a police force, or induces or atempts to induce, or does any act which he knows is likely to induce, any member of a police force to withholds he 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-

- (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 authorized 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, whether the association has been authorized or recognized by the Government and the act 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 complaints, of the District Magistrate or, in the case of a presidency town, of the Commissioner of Police.

6. Trial of cases,-

(1) No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in Chapter XXII¹ of the Code of Criminal Procedure, 1898 (Act V of 1898) no offence under this Act shall be tried summarily.

THE SCHEDULE

(See Section 2)

Year	No	Short Title
1859	XXV	Acts of the Governor-General in Council.
1861	V	The Police Act, 1861
1888	III	The Police Act, 1888
1892	V	The Bengal Military Police Act, 1892. Madras Act.
1888	III	The Madras City Police Act, 1888. Bombay Acts.
1890	V	The Bombay District Police Act, 1890.
1902	V	The City of Bombay Police Act, 1902

1. Now refer to Chapter XXI of the Code of Criminal Procedure, 1973 (Act 2 of 1974)

N.B. From Schedule list (I) Burma Military Police Act, 1887 and Rangaon Police Act, 1889 have been omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

Year	No	Short Title
		Bengal Acts
1866	II	The Calcutta Suburban Police Act, 1866
	IV	The Calcutta Police Act, 1866
1890	III	The Calcutta Port Act, 1890
1920	II	The Eastern Frontier Rifles (Bengal Battalion) Act, 1920
		Assam Act
1920	I	The Assam Rifles Act, 1920
Regulation by the Governor-General in Council		
1888	II	The Andaman and Nicobar Islands Military Police Regulation, 1888