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Dispur, Saturday, 19th July 1980, 28th Asadha, No. 42 1902 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT

NOTIFICATION II.2

The 19th July 1980

No.LGL.10/80/Pt.—The following Act made by the President and published in the Gazette of India, Extra-Ordinary Part II of Section I, dated 19th July 1980 is republished for general information.

U. TAHBILDAR,
Secretary to the Govt. of Assam,
Legislative Department.

Name of Act

. 361 6 56

No. of Act Date of assent

The Code of Criminal President's Act 19th July 1980 Procedure (Assam Amend- No.3 of 1980. ment) Act, 1980.

President's Act No.3 of 1980

THE CODE OF CRIMINAL PROCEDURE (ASSAM) (AMENDMENT) ACT, 1980

(Received the assent of the President on 19th July 1980.)

Enacted by the President in the Thirty-first Year of the Republic of India.

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ACT

further to amend the Code of Criminal Procedure, 1973, in its application to the State of Assam.

In exercise of the powers conferred by section 3 of the Assam State Legislature (Delegation of Powers) Act, 1980, the President is 38 of 1980. pleased to enact as follows:—

Short title, 1. (1) This Act may be called the Code of extent and Criminal Procedure (Assam) Amendment Act, 1980.

- (2) It extends to the whole of the State of Assam.
- (3) It shall be deemed to have come into force on the 5th day of June, 1980.

Amendment of Section 45.

- 2. In the Code of Criminal Procedure, 1973, 2 of 1974, in its application to the State of Assam (hereinafter referred to as the principal Act), for subsection (2) of Section 45, the following sub-section shall be substituted, namely:—
- '(2) The State Government may, by notification direct that the provisions of sub-section (1) shall apply—
- (a) to such class or category of the members of the Forces charged with the maintenance of public order, or
- (b) to such class or category of other Public servants [not being persons to whom the provisions of sub-section (1) apply] charged with the maintenance of public order,

as may be specified in the notification wherever they may be serving, and thereupon the provisions of that sub-section shall apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

Amendment 3. In the principal Act for sub-section (3) of Section of section 197, the following sub-section shall be substituted, namely:—

- '(3) The State Government may, by notification, direct that the provisions of sub-section (2) shall apply—
 - (a) to such class or category of the members of the Forces charged with the maintenance of public order, or
- (b) to such class or category of other public servants (not being persons to whom the provisions of sub-section (1) or sub-section (2) apply) charged with the maintenance of public order,

as may be specified in the notification, wherever they may be serving, and thereupon the provisions of sub-section (2) shall apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

- 4. (1) The Code of Criminal Procedure 9 of 1980.

 Repeal and (Assam) (Amendment) Ordinance, 1980, is hereby repealed.
 - (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as a pended by this Act.

N. SANJIVA REDDY, President.

R. V. S. PERI SAS TRI, Secy. to the Govt. of India.