



**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.

AN

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, extent and commencement.** 1. (1) This Act may be called the Code of 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 sub-section (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  
of Section  
197.

3. In the principal Act for sub-section (3) 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.'

Repeal and  
saving.

4. (1) The Code of Criminal Procedure<sup>9</sup> of 1980. (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 amended by this Act.

N. SANJIVA REDDY,  
President.

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