

MINISTRY OF HOME AFFAIRS  
NOTIFICATION

New Delhi-11, the 19th January 1956

G.S.R. 87.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Himachal Pradesh the Punjab Security of the State Act, 1953 (Punjab Act XII of 1953), as amended by the Punjab Security of the State (Amendment) Act, 1954 (Punjab Act VI of 1954) and as at present in force in the State of Punjab (hereinafter in this notification referred to as the said Act), subject to the following modifications namely:—

*Modifications*

In the said Act—

- (1) for the words "State Government" wherever they occur, except in sub-section (2) of section 13, the words "Lieutenant Governor of Himachal Pradesh" shall be substituted;
- (2) for sub-section (2) of section 1, the following shall be substituted, namely:—  
  - "(2) It extends to the whole of the Union territory of Himachal Pradesh";
- (3) in sub-section (1) of section 5, for the words "Official Gazette", the words "Himachal Pradesh Gazette" shall be substituted;
- (4) in sub-section (5) of section 7,—  
  - (i) for the words "the whole State" the words "the whole of the Union territory of Himachal Pradesh" shall be substituted;
  - (ii) in the proviso, for the words "from the State of any person ordinarily resident in the State", the words "from the Union territory of Himachal Pradesh of any person ordinarily resident in that territory" shall be substituted;
- (5) in section 10,—  
  - (i) in sub-section (1), for the words "Official Gazette", the words "Himachal Pradesh Gazette" shall be substituted and for the word "State", the words "Union territory of Himachal Pradesh" shall be substituted;
  - (ii) in sub-section (3), the words "through the Commissioner of the Division" shall be omitted;
- (6) in sub-section (2) of section 13, for the words "State Government or except with the sanction of the State Government, against any of its officers" the words "Central Government or the Lieutenant Governor of Himachal Pradesh or, except with the sanction of the said Lieutenant Governor, against any of the officers under his administrative control" shall be substituted;
- (7) section 14 shall be omitted.

The text of the said Act as modified is published as an annexure to this notification.

ANNEXURE

THE PUNJAB SECURITY OF THE STATE ACT, 1953 (PUNJAB ACT XII OF 1953). AS AMENDED BY THE PUNJAB SECURITY OF THE STATE (AMENDMENT) ACT, 1954 (PUNJAB ACT VI OF 1954).

*An Act to provide for special measures to prevent activities prejudicial to the security of the State or the maintenance of public order.*

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Punjab Security of the State Act, 1953.

(2) It extends to the whole of the Union territory of Himachal Pradesh.

1946

7. Power to restrict movements of persons.—(1) The Lieutenant Governor of Himachal Pradesh or a District Magistrate, if satisfied with respect to any particular person that, with a view to preventing him from acting in any manner prejudicial to the security of the State or the maintenance of public order, it is necessary so to do, may by order in writing, give one or more of the following directions, viz., that such person—

- (a) shall not enter, reside or remain in any area that may be specified in the order;
- (b) shall reside or remain in any area that may be specified in the order;
- (c) shall remove himself from, and shall not return to, any area that may be specified in the order;
- (d) shall notify his movements or report himself, in such manner and at such times and to such Magistrate, as may be specified in the order.

(2) An order made under sub-section (1) (hereinafter referred to as a restriction order) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of the restrictions or conditions specified in the order.

(3) No restriction order shall be operative for more than—

- (a) one month, if made by a District Magistrate, and
- (b) one year, if made by the Lieutenant Governor of Himachal Pradesh.

(4) The Lieutenant Governor of Himachal Pradesh may at any time cancel or modify any restriction order made by a District Magistrate.

(5) An order made under clause (a) or clause (c) of sub-section (1) may, if made by the Lieutenant Governor of Himachal Pradesh, specify as the area to which the order relates the whole of the Union territory of Himachal Pradesh or any part thereof only and, if made by the District Magistrate, specify as such area the whole or any part of the district only:

Provided that no such order made by the Lieutenant Governor of Himachal Pradesh shall direct the exclusion or removal from the Union territory of Himachal Pradesh of any person ordinarily resident in that territory; and no such order made by the District Magistrate shall direct the exclusion or removal from the district of any person ordinarily resident in the district.

(6) As soon as may be after a restriction order is made, the authority making the order shall communicate to the person against whom the order is made, so far as such communication can be made without disclosing facts likely to endanger public safety or the security of the State, the grounds on which the order has been made and such other particulars as are in its opinion adequate to enable him to make a representation to the Lieutenant Governor of Himachal Pradesh against the order, and inform him of his right to make such representation and shall afford him the earliest opportunity of doing so.

(7) When the restriction order is made by a District Magistrate, he shall forthwith report to the Lieutenant Governor of Himachal Pradesh that the order has been made, the grounds on which it has been made and such other particulars as, in his opinion, have a bearing on the case.

(8) On receipt of a representation from the person against whom a restriction order has been made, the Lieutenant Governor of Himachal Pradesh shall, as soon as may be, place it before the Advisory Council constituted under sub-section 9 together with the grounds on which it has been made.

(9) The Lieutenant Governor of Himachal Pradesh shall constitute an Advisory Council consisting of a Chairman and two other members all of whom shall be persons who are or have been, or are qualified to be appointed as Judges of a High Court.

(10) The Advisory Council shall, after considering the material placed before it and, if necessary, after calling for such further information from the Lieutenant Governor of Himachal Pradesh or from the person concerned as it may deem necessary, submit its report to the Lieutenant Governor of Himachal Pradesh within thirty days from the date on which a representation is placed before it.

(11) After considering the report of the Advisory Council, the Lieutenant Governor of Himachal Pradesh may confirm, modify or cancel the restriction order.

148

11. **Powers of search.**—The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall be deemed to include the power to issue warrants for—

- (a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the security of the State or the maintenance of public order has been, is being, or is about to be, committed, or that preparation for the commission of any such offence or act is being made;
- (b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;

and the provisions of the said Code shall, so far as may be, apply to searches made under the authority of any warrant issued and to the disposal of any property seized under this section.

12. **Offences under the Act to be cognizable and non-bailable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under this Act shall be cognizable and shall, if the offence is punishable with imprisonment for a term which may extend to a period exceeding one year, be non-bailable.

13. **Protection of action taken under this Act.**—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under, or in pursuance of, this Act.

(2) No suit or other legal proceedings shall lie against the Central Government or the Lieutenant Governor of Himachal Pradesh or, except with the sanction of the said Lieutenant Governor, against any of the officers under his administrative control, for any damage caused or likely to be caused by anything in good faith done or intended to be done under, or in pursuance of, this Act.

14. Omitted.

#### THE SCHEDULE

[See section 2 (1) (d)]

All undertakings relating to—

- (a) the maintenance and working of naval, military and air force works, railways, air transport including aerodromes, canals, inland water transport, road transport, telegraph, telephone, broadcasting and postal services hospitals and services connected with the safeguarding of the public health, mines, fire-brigades, printing presses;
- (b) the manufacture, storage, or distribution of stores or equipment required by Government for its departments or services;
- (c) any system of public conservancy or sanitation;
- (d) the upkeep of roads and bridges;
- (e) any industry, business or establishment engaged in the production or supply to the public of light, heat, power, water or motive fuel; or
- (f) any industry, business or establishment engaged in the production or supply to the public of any commodity essential to the life of the community.

[No. F. 4/6/60-Jud.LI-UTL.10.]

K. R. PRABHU, Dy. Secy.