

The Gazette of India



PUBLISHED BY AUTHORITY

No. 10] NEW DELHI, SATURDAY, MARCH 8, 1952

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 4th March 1952 :—

Issue No.	No. and date	Issued by	Subject
43	S. R. O. 289, dated the 19th February 1952.	Ministry of Law.	The Constitution (Removal of Difficulties) Order No. IX.
44	S. R. O. 332, dated the 26th February 1952.	Ministry of Food and Agriculture.	Notification regarding prohibition of export of mustard oil and mustard seed from the State of Assam.
45	S. R. O. 333, dated the 27th February 1952.	Ministry of Commerce and Industry.	Further amendment made in the Notification No. S. R. O. 1693, dated 21st November 1951.
	S. R. O. 334, dated the 27th February 1952.	Ditto.	Further amendment made in the Notification No. S. R. O. 1618, dated 20th October 1951.
46	S. R. O. 334-A, dated the 27th February 1952.	Ministry of Law.	Extension of time for election of members to the Parliamentary Constituencies in the State of Uttar Pradesh.
47	S. R. O. 382, dated the 28th February 1952.	Ministry of Commerce and Industry.	Extension of permission for a further period of one month regarding news-print.
48	S. R. O. 383, dated the 29th February 1952.	Ministry of States.	Directives issued by the President regarding Lieutenant Governors of Vindhya Pradesh and Himachal Pradesh.
	S. R. O. 384, dated the 29th February 1952.	Ditto.	Substitution of words "Lieutenant Governors" for Chief Commissioner in the States of Vindhya Pradesh and Himachal Pradesh wherever they occur.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

S.R.O. 391.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Delhi the Punjab Security of the State (Amendment) Act, 1951 (President's Act III of 1951), [hereinafter referred to as the said Act] as at present in force in the State of Punjab subject to the following modification, namely:—

Modification

For section 2 of the said Act, the following section shall be substituted, namely:—

"2. *Amendment of section 1, President's Act I of 1951.*—In section 1 of the Punjab Security of the State Act, 1951 [hereinafter referred to as the principal Act] as in force in the State of Delhi the following new sub-section shall be added after sub-section (2), namely:—

'(3) It shall remain in force up to the 12th day of September, 1953.'

The text of the said Act as so modified is published as annexure I to this notification and the text of the Punjab Security of the State Act, 1951 (President's Act I of 1951), which was extended to the State of Delhi by the notification of the Government of India in the Ministry of Home Affairs No. SRO-1590, dated the 14th October, 1951, as amended by the said Act as so modified is published as annexure II to this notification.

ANNEXURE I

THE PUNJAB SECURITY OF THE STATE (AMENDMENT) ACT, 1951

PRESIDENT'S ACT NO. III OF 1951

An Act to amend the Punjab Security of the State Act, 1951

[11th November, 1951]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLV of 1951), the President is pleased to enact as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Punjab Security of the State (Amendment) Act, 1951.

(2) It shall come into force at once.

2. *Amendment of Section 1, President's Act I of 1951.*—In Section 1 of the Punjab Security of the State Act, 1951 (hereinafter referred to as the principal Act) as in force in the State of Ajmer, the following new sub-section shall be added after sub-section (2), namely:—

"(3) it shall remain in force up to the 12th day of September, 1953."

3. *Amendment of section 2, President's Act I of 1951.*—In section 2 of the principal Act,—

- (a) in sub-section (1), the words "impair the efficiency or" shall be omitted;
- (b) in sub-section (3), for the words "reason to believe", the words "reasonable grounds for believing" shall be substituted;
- (c) in sub-section (4), for the word "three", the word "two" shall be substituted.

4. *Amendment of section 3, President's Act I of 1951.*—In section 3 of the principal Act.—

- (a) in sub-section (1), for the words "organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use of display of force or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose", the words "for the unauthorised use or display of force" shall be substituted;
- (b) in sub-section (2), for the words "two years", the words "one year" shall be substituted.

5. *Amendment of section 4, President's Act I of 1951.*—In section 4 of the principal Act:—

- (a) for the word "practice", the words "unauthorised practice" shall be substituted.

(b) for the words "preparation for the use", the words "preparation for the organised used" shall be substituted.

6. *Amendment of section 5, President's Act I of 1951.*—In section 5 of the principal Act,—

(a) in sub-section (1)—

(i) the words "make or" shall be omitted;

(ii) for the words "a movement prejudicial to the security of the State or the maintenance of public order", the words "any organisation declared unlawful by the Government" shall be substituted;

(b) in sub-section (3), for the words, figure and brackets "contravenes the provisions of sub-section (1)", the words "publicly wears, carries or displays any such uniform, flag, banner or emblem" shall be substituted.

7. *Amendment of section 6, President's Act I of 1951.*—In section 6 of the principal Act,—

(a) after the words "by order in writing", the words "from time to time" shall be inserted;

(b) for the words "during such period", the words "for such period not exceeding two months" shall be substituted;

(c) the Explanation shall be omitted.

8. *Amendment of section 7, President's Act I of 1951.*—In sub-section (1) of section 7 of the principal Act,—

(a) for the words, "the interests of the general public", the words "the security of the State or the maintenance of public order" shall be substituted.

(b) in clause (d)—

(i) the words "or do both," shall be omitted;

(ii) for the words "authority or person", the word "magistrate" shall be substituted.

9. *Amendment of section 8, President's Act I of 1951.*—In section 8 of the principal Act,—

(a) in sub-section (1)—

(i) in clause (a), the words "or on premises in his occupation or under his control" shall be omitted;

(ii) the words "unless he proves that he was unaware of the nature of the document" shall be omitted;

(b) in sub-section (2) for the word "allows", the words "intentionally permits" shall be substituted.

10. *Amendment of section 9, President's Act I of 1951.*—In section 9 of the principal Act,—

(a) in sub-section (2)—

(i) in clause (a), for the words "The maintenance of law and order, the public safety or the public revenues", the words "or the maintenance of law and order" shall be substituted;

(ii) the word "forthwith" shall be omitted;

(b) in sub-section (6), clause (ii) and the Explanation shall be omitted.

11. *Omission of sections 10 and 11, President's Act I of 1951.*—Sections 10 and 11 of the principal Act shall be omitted.

12. *Amendment of section 12, President's Act I of 1951.*—In section 12 of the principal Act,—

(a) sub-section (1) shall be omitted;

(b) in clause (a) of sub-section (2), for the words "the maintenance of public order or the interests of the general public", the words "or the maintenance of public order" shall be substituted.

13. *Amendment of section 13, President's Act I of 1951.*—In section 13 of the principal Act, for the words "and non-lailable" the words "and shall, if the offence

is punishable with imprisonment for a term which may extend to a period exceeding one year, be non-bailable" shall be substituted.

14. *Omission of section 14, President's Act I of 1951.*—Section 14 of the principal Act shall be omitted.

15. *Amendment of Schedule, President's Act I of 1951.*—In clause (f) of the Schedule to the principal Act, for the words "of general use", the words "essential to the life of the community" shall be substituted.

ANNEXURE II

THE PUNJAB SECURITY OF THE STATE ACT, 1951.

PRESIDENT'S ACT NO I OF 1951 [AS MODIFIED BY THE PUNJAB SECURITY OF THE STATE (AMENDMENT) ACT, 1951 (PRESIDENT'S ACT III OF 1951)].

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

[12th September, 1951.]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Punjab Security of the State Act, 1951.

(2) It extends to the whole of the State of Ajmer.

(3) It shall remain in force upto the 12th day of September, 1953.

2. *Sabotage.*—(1) No person shall do any act with intent to impede the working of, or to cause damage to,—

(a) any building, vehicle, vessel, machinery, apparatus, or other property used, or intended to be used, for the purposes of Government or of any local authority;

(b) any railway, tramway, road, canal, bridge, culvert, causeway, aerodrome, telegraph, telegraph line or telegraph post;

(c) any rolling-stock of a railway or tramway or any aircraft; or

(d) any building or other property used in connection with any industry, business or establishment of the nature specified in the Schedule.

(2) The provision of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford reasonable grounds for believing that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Explanation.—No person shall be deemed to have contravened or attempted to have contravened the provisions of this section if he commences, continues, acts in furtherance of, or omits to do anything in pursuance of, a strike which is not illegal under any law for the time being in force.

3. *Quasi-military organisations.*—(1) No person shall take part in the organisation, control, management or training of, or be a member of, any body of persons organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or for the unauthorised use or display of force.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

4. (3) *Power to prohibit drilling.*—The District Magistrate, if satisfied that it is necessary so to do in the interests of the security of the State or for the maintenance of public order, may, by order in writing, prohibit in any area specified in the order, either absolutely or subject to exceptions contained in the order, the

unauthorised practice of, or participation in, any exercise, movement, evolution or drill which is either of a military nature or involves the use, or preparation for the organised use, of weapons of offence.

5. *Wearing or display of uniforms, flags, etc.*—(1) No person shall have in his possession, or wear, carry or display, any uniform, flag, banner or emblem which has been declared by the State Government by notification in the Official Gazette to signify association with any organisation declared unlawful by the Government.

(2) Any such uniform, flag, banner or emblem wherever found shall be forfeited to Government.

(3) If any person publicly wears, carries or displays any such uniform, flag, banner or emblem, he shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

6. *Power to prohibit meetings and processions.*—The District Magistrate, if satisfied that it is necessary so to do for the maintenance of public order, may, by order in writing, from time to time prohibit within such area and for such period not exceeding two months as may be specified in the order,—

(a) the holding of any procession or demonstration in any public place;

(b) the holding of any public meeting;

(c) the carrying in public of anything capable of use as a weapon of offence.

7. *Power to restrict movements of persons.*—(1) The State Government 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 State Government.

(4) The State Government 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 State Government, specify as the area to which the order relates the whole State 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 State Government shall direct the exclusion or removal from the State of any person ordinarily resident in the State; 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 State Government against the order, and uniform 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 State Government 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 State Government 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 State Government 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 State Government or from the person concerned as it may deem necessary, submit its report to the State Government within thirty days from the date on which a representation is placed before it.

(11) After considering the report of the Advisory Council, the State Government may confirm, modify or cancel the restriction order.

(12) All particulars contained in any correspondence between the State Government and the Advisory Council and the report made by the latter shall be confidential and, notwithstanding anything contained in any law for the time being in force, no court shall be entitled to require any public servant to produce before it any of the aforesaid documents.

8. *Possession or conveyance of proscribed documents.*—(1) Whoever, without lawful authority—

(a) has in his possession, or

(b) carries for delivery to another person otherwise than through the post, any document the importation of which has been prohibited under the Sea Customs Act, 1878, or in respect of which an order of forfeiture has been made under any law for the time being in force, shall, be punishable with imprisonment which may extend to one year, or with fine, or with both.

(2) Whoever intentionally permits his name or address to be used in order to facilitate transmission, through the post or otherwise, to any person other than the person for whom it purports to be intended, of any document of the nature described in sub-section (1), shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

9. *Imposition of collective fines in dangerously disturbed areas.*—(1) The State Government may, by notification in the Official Gazette, declare the whole or any part of the State to be a dangerously disturbed area.

(2) The State Government or the District Magistrate if satisfied that the inhabitants of any dangerously disturbed area—

(a) are concerned in the commission of offences or other acts which are prejudicial to the security of the State, or the maintenance of law and order, or

(b) have been harbouring persons concerned in the commission of such offences or acts,

may impose a collective fine on the inhabitants of that area.

(3) An order made by the District Magistrate under sub-section (2) shall be reported forthwith by him to the State Government, and the State Government may thereupon amend, vary or rescind such order.

(4) The authority imposing the fine under sub-section (2) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(5) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (2) among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(6) (1) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

12. Powers of search—

(2) 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.

13. *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.

14. *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 State Government or, except with the sanction of the State Government, against any of its officers, 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.

15. *Effect of expiry of the East Punjab Public Safety Act, 1949, as extended to Ajmer.*—Notwithstanding the expiry of the East Punjab Public Safety Act, 1949 as extended to the State of Ajmer any order made, notification or direction issued, appointment made or action taken under the said Act, and in force immediately before the commencement of this Act, shall, in so far as it is not inconsistent therewith, continue in force and be deemed to have been made, issued or taken under the corresponding provisions of this Act.

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, firebrigades, 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.