

The Bombay Public Security Measures Act 1947

(Bombay Act No. 6 of 1947)

(as extended to Delhi)

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THE BOMBAY PUBLIC SECURITY MEASURES ACT, 1947
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ACT, 1947¹

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(Bombay Act No. 6 of 1947)

(As applicable in the Union territory of Delhi)

An Act to consolidate and amend the law relating to public safety maintenance of public order and the preservation of peace and tranquillity in the Province of Bombay.

Whereas it is expedient to consolidate and amend the law relating to public safety, maintenance of public order and the preservation of peace and tranquillity in the Province of Bombay; It is hereby enacted as follows :—

1. *Short title and extent.* (1) This Act may be called the Bombay Public Security Measures Act, 1947.

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

(3) *Omitted.*

(4) This section shall come into force at once, and the remaining provisions of this Act shall come into force in such areas and on such date or dates as the Chief Commissioner may, by notification in the Official Gazette appoint,

III. CONTROL OF CAMPS ETC., AND UNIFORMS

7. *Control of camps, parades, etc.* (1) If the Chief Commissioner is satisfied that it is necessary in the interest of public order to do so, it may, by general or special order, prohibit or restrict in any area any exercise, movement, evolution or drill of a military nature specified in the order.

(2) With a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, the Chief Commissioner may, by general or special order, prohibit, restrict or impose conditions on the holding of, or taking part in, an camp, parade, meeting, assembly or procession by any class of person or organisations specified in the order.

(3) If any person contravenes any order made under this section, he shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

8. *Banning use of certain uniforms, etc.* (1) If the Chief Commissioner is satisfied that the wearing in public of any dress or article of

1. Extended to Union territory of Delhi vide Notification No. 5/8/47. Dated 26.1.1947.

apparel resembling any uniform or part of a uniform required to be worn by a member of Government forces or by a member of any police force or of any force constituted under any law for the time being in force would be likely to prejudice the public safety, or the maintenance of public order, the Chief Commissioner may, by general or special order, prohibit or restrict the wearing, or display in public, of any such dress or article of apparel.

(2) For the purposes of this section, a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed in any place to which the public have access.

(3) If any person contravenes any order made under this section, he shall, on conviction, be punishable with imprisonment for a term which may extend to three years or with fine or with both.

V. *Special Courts*

10. *Special Courts.* The Chief Commissioner may by notification in the Official Gazette constitute Special Courts of criminal jurisdiction for such area as may be specified in the notification.

11. *Special Judges.* The Chief Commissioner may appoint as a Special Judge to preside over a Special Court constituted under section 10 any person who has been a Sessions Judge for a period of not less than two years under the Code. (Criminal Procedure Code, 1898).

12. *Jurisdiction of Special Judges.* A Special Judge shall try such offences or class of offences or such cases or class of cases as the Chief Commissioner may, by general or special order in writing, direct.

13. *Procedure of Special Judges.* (1) A special Judge may take cognizance of offences without the accused being committed to his Court for trial ;

(2) A Special Judge shall ordinarily record a memorandum only of the substance of the evidence of each witness examined, may refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in his opinion, necessary in the interests of justice.

¹[(2-A) A Special Judge trying an offence under this Act may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence, tender a pardon to such person on condition of his marking a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor, in the commission thereof. Any pardon so tendered shall, for the purposes of sections 339 and 339-A of the 'Code be deemed to have tendered under section 338 of the 'Code']

(3) In matters not coming within the scope of sub-sections (1) and (2), the provisions of the 'Code, in so far as they are not inconsistent

1. Added by Central Act 52 of 1948.

with the provisions of sections 10 to 20, shall apply to the proceedings of a Special Judge ; and for the purposes of the said provisions, the Court of the Special Judge shall be deemed to be a Court of Session.

14. *Evidence on Commission.* If a person whose evidence is considered essential by a Special Judge, is, in his opinion, not in a position to attend the Court of the Special Judge to give evidence, the Special Judge may in his discretion direct that his evidence may be recorded on commission by a person specially deputed for the purpose.

15. *Enhanced punishment for certain offences.* Notwithstanding anything contained in the Indian Penal Code, whoever commits an offence or attempts to murder may, in lieu of any punishment to which he is liable under the said Indian Penal Code, be punishable with death ; and whoever commits an offence of voluntarily causing hurt by stabbing, firearms or explosives may, in lieu of any punishment to which he is liable under the said Indian Penal Code, be punishable with death or transportation for life.

16. *Sentences by Special Judge.* A special Judge may pass any sentence authorised by law.

17. *Special rule of procedure.* Notwithstanding anything contained in section 386 of the 'Code' where any offender has been sentenced by a Special Judge to pay a fine, it may be recorded by the issue of a warrant for the levy of the amount by attachment and sale of any property moveable or immovable of the offender.

18. *Appeal revision and confirmation.* Notwithstanding the provisions of the Code, Criminal Procedure Code, 1898 or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done—

- (1) any person convicted on a trial held by a Special Judge may appeal to the High Court within a period of fifteen days from the date of sentence ;
- (2) the High Court may call for the record of the proceedings of any case tried by a Special Judge and may in respect of such case exercise any of the powers conferred on a court of appeal by sections 423, 426, 427 and 428 of the 'Code ; and
- (3) no court shall have jurisdiction to transfer any case from any Special Judge or to make any order section 491 of the 'Code in respect of any person triable by a Special Judge or, save as herein otherwise provided, have jurisdiction of any kind in respect of proceedings of any Special Judge.

19. *Application of ordinary law.* The provisions of the 'Code' and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of sections 10 to 20, shall apply to all matters connected with, arising from, or consequent upon, a trial by a Special Judge appointed under section 11.

20. *Trials before Special Judge not to be by Jury or with Assessors.* Notwithstanding anything contained in the 'Code, Criminal Procedure Code 1898 the trial of offences before a Special Judge shall not be by jury or with the aid of Assessors.

VI. Miscellaneous

21. *Delegation of powers and duties of Chief Commissioner.* The Chief Commissioner may by order direct that any power or duty, which is conferred or imposed on the Chief Commissioner, shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by the District Magistrate or Additional District Magistrate.

22. *Power to arrest without warrant.* Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

24. *Indemnity.* No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or on account of or in respect of any sentence passed or any act ordered or done by him in good faith whether in exercise of any jurisdiction or power conferred or purporting to have been conferred on him, by or under this Act or in carrying out any sentence passed by a Special Judge in exercise of any jurisdiction as aforesaid.

25. *Rules.* The Chief Commissioner may by notification in the Official Gazette and subject to the condition of previous publication make rules to carry out the purposes of this Act.

VII. Amendment to Act

27. *Insertion of new section 16 A in Act 14 of 1908.* After section 16 of the Indian Criminal Law Amendment Act, 1908, in its application to the Union territory of Delhi the following new section shall be inserted, namely :—

“16-A. *Additional power to declare association unlawful.* If the Chief Commissioner is of opinion that any association is organized or equipped for the purpose of enabling the members of the association to be employed, or is organized or equipped in such manner as to arouse reasonable apprehension that the members of the association may be employed, in usurping the functions of Government forces or of any police force or of any force constituted under any law for the time being in force or for the use or display of physical force in furtherance of the common object of the association, the Chief Commissioner may by notification in the Official Gazette declare such association to be unlawful.”
