

# The Jammu And Kashmir Public Security Act, 2003

JAMMU & KASHMIR

India

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### Act 15 of 1946

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The Jammu And Kashmir Public Security Act, 2003 (1946 A.D.)[14th October, 1946][Act No. 15 of 2003]An Act to supplement the criminal law for the purpose of securing public safety and interest. Whereas it is necessary to supplement the criminal law in the interest of the security of the State, public order and general public; It is hereby enacted as follows:-

### 1. Short title, extent and duration

(1) This Act may be called the Jammu and Kashmir Public Security Act, 2003. (2) This Act shall extend to the whole of the Jammu and Kashmir State. (3) This Act shall remain in force for a period of five years with effect from the day the Jammu and Kashmir Public Security (Amendment) Act, 2011 comes into force.

### 2. Definitions

In this Act, unless there is anything repugnant in the subject or context, -(1) "the Code" means the Code of Criminal Procedure, 1989; (2.) (a) "association" means any combination or body of persons whether the same be known by any distinctive name or not, and (b) "unlawful association" means an association-(i) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, or (ii) which has been declared to be unlawful by the Government under the powers conferred under this Act; (3) "notified place" means a place which has been notified under section 14; (4.) (i) "public meeting" means a meeting which is open to the public or any class or portion of the public; (ii) a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise; (5) "public servant" includes any public servant as defined in the Ranbir Penal Code, 1989, any servant of any local authority and any member of the Indian Armed Forces; (6) "requisition" means in relation to any property, to take possession of the property or to require the property to be placed at the disposal of the requisitioning authority.

### **3. Omitted**

### **3A. Omitted**

## **4. Power to restrict movements of persons**

(1)The 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, have 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 Government.(4.) The 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 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 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, 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 Government against the order, and inform him of his right to make such representation and shall afford him the earliest opportunity of doing so:Provided that, nothing contained in this sub-section or sub-section (8) shall apply to the case of any person against whom the restriction order is made with a view to preventing him from acting in any manner prejudicial to the security of the State if the Government or the District Magistrate, as the case may be, by order issued in this behalf declare that it would be against public interests to communicate to him the grounds and the particulars on which the restriction order has been made(7)When the restriction order is made by a District Magistrate, he shall forthwith report to the 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 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 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 Government or from

the person concerned as it may deem necessary, submit its report to the 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 Government may confirm, modify or cancel the restriction order.(12)All particulars contained in any correspondence between the 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.

## **5. Power to prohibit or regulate traffic**

(1)The District Magistrate, may, by order in writing, prohibit or regulate, in such way as he may think necessary in the interests of the security of the State or the maintenance of public order traffic over any road, pathway, bridge, water-way or ferry.(2)Whoever disobeys, or neglects to comply with, an order made under this section shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

## **6. Power to secure reports of public meeting**

The District Magistrate, if in his opinion it is necessary in the interests of the security of the State or the maintenance, of public order may, by order in writing, depute, one or more police officers not below the rank of Sub-Inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may by such order authorise the persons so deputed, to take with them an escort of police officers.

## **7. Power to issue search warrants**

The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising-(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 class (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 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.

## **8. Dissemination of contents of proscribed documents**

Whoever publishes, circulates, sells, or repeats in public any passage from a newspaper, book or other documents, copies whereof have been declared forfeited to the Government under any law for the time being in force or possesses a copy of any such newspaper, book or other document shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

## **9. Power to give effect to orders if disobeyed**

(1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction, or prescribed the condition, may take or cause to be taken such action as it thinks necessary to give effect thereto. (2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

## **10. Penalty for disobeying order under section 4**

Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

## **11. Power to declare associations unlawful**

If the Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the security of the State or the maintenance of public order, the Government may, by notification in the Government Gazette, declare such association to be unlawful.

## **12. Penalties**

(1) Whoever is a member of an unlawful association or takes part in meeting of any such association or contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both. (2) Whoever manages or assists in the management of an unlawful association, or promotes, or assists in promoting, meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

## **13. Continuance of association**

An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof:

## **14. Power to notify and take possession of places used for the purposes of an unlawful association**

(1) The Government may, by notification in the Government Gazette, notify any place which in its opinion is used for the purposes of an unlawful association. (2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the

notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Government; Provided where such place contains any apartment occupied by women and children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience. (3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

## **15. Movable property found in a notified place**

(1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all movable property found therein and shall make a list thereof and submit it, with a report of the taking of possession of such movable property, to the Government. (2) If, in the opinion of the Government, any article specified in the list is or may be used for the purposes of the unlawful association, the Government may, by order in writing declare such article to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit. (3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found, shall be disposed of in such manner as the District Magistrate may direct.

## **16. Trespass upon notified places**

Any person who enters or remains upon a notified place without the permission of the District Magistrate or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code, any such offence or criminal trespass shall be cognizable and non-bailable.

## **17. The relinquishment of property**

Before a notification under sub-section (1) of section 14 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

## **18. Power to forfeit funds of an unlawful association**

(1) Where the Government is satisfied, after such inquiry as it may think fit, that any moneys, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, declare such moneys, securities or credits to be forfeited to the Government. (2) A copy of an order under sub-section (1) may be served on the person having custody of the moneys, securities or credits, and on the service of such copy, such person shall pay or deliver the moneys, securities or credits to the order of the Government: Provided that in the case of moneys or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such moneys and securities in any premises where they may reasonably

be suspected to be, and to seize the same.(3)Where the Government has reason to believe that any person has custody of any moneys, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.(4)The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant where-under such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for moneys and securities and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of dealings in any moneys, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.(5)A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or where there is no registered office at the place where it carries on business.(6)Where on order of forfeiture is made under sub-section (1) in respect of any moneys, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the moneys, securities, or credits forfeited to the order of the Government.(7)Where any person liable under this section to pay, or deliver any moneys, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such moneys or credits of the market value of such securities.(8)In this section, "security" means a document whereby any person acknowledges that he is under a liability, to pay money, or whereunder any person obtain a legal right to the payment of money; and the "market value of any security" means the value as fixed by any officer or person deputed by the Government in this behalf.

## **19. Power of Government to notify proclaimed area**

(1)The Government may, in the interest of the security of the State or the maintenance of public order by notification in the Government Gazette, declare the whole or any part of the State to be a proclaimed area.(2)A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notification in respect of the same area from time to time as it may think fit.

## **20. 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, prohibit in a proclaimed area for such period 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.

## **21. Omitted**

## **22. Penalties**

(1) Any person concerned in promotion or conduct of a public meeting, held in a proclaimed area contrary to the provisions of section 20 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

## **23. Omitted**

## **24. Molesting a person to prejudice of employment or business**

(1) Whoever-(a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or persons in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or (b) loiters or does any similar act at or near: the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. Explanation:-Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section. (2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of Sub-Inspector.

## **25. Power to Government to make certain offences cognizable and non-bailable**

(1) The Government may, by notification in the Government Gazette, declare that any offence punishable under section 186, 188, 190, 228, 298, 384, 426, 427, 505, 506 or 507 of the Ranbir Penal Code when committed in any area specified in the notification shall, notwithstanding anything contained in the Code, be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly. (2) The Government may, in like manner and subject to the like conditions, and with the like effect, declare that an offence punishable under section 188 or section 506 of the Ranbir Penal Code shall be non-bailable.

## **26. Punishment for participation in mock funeral ceremonies**

Whoever with intent to intimidate, insult or annoy any person, or with the knowledge that intimidation, insult or annoyance is likely to be caused to any person, performs or takes part in, or abets performance of, any mock ceremony resembling any ceremony associated with or consequent

upon death, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

## **27. Tempering with public servant**

Whoever induces or attempts to induce any public servant to fail in his duty as such servant shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. Explanation.-For the purposes of this section a public servant denotes a public servant as defined in this Act, a servant of a local authority, a village Chowkidar and an employee of a public utility service which means-(i)any postal, telegraph or telephone service; or(ii)any industry, business or undertaking which supplies light or water to the public; or(iii)any system of public conservancy or sanitation.

## **28. Boycotting public servant**

(1)Whoever with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty, refuses to deal with, whether by supplying goods to, or otherwise or to let on reasonable rent a house usually let for hire or to render any customary service to such public servant or any member of his family, on the terms on which such things would be done in the ordinary course, or withholds from such person, or his family such medical service as he would ordinarily render, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both. Explanation.-Omitted.(2)No Court shall take cognizance of an offence punishable under this section unless upon complaint made by order of or under authority from the Government or some officer empowered by the Government in this behalf.

## **29. Dissemination of false rumours**

(1)Whoever makes, publishes or circulates any statement, rumour or report which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public or hatred or contempt towards any class of public servants of any class of the subjects of the State or of the citizens of India shall be punishable with imprisonment which may extend to one year, or with fine, or with both. Explanation.-For the purposes of this section public servant means a public servant as defined in the Ranbir Penal Code, 1989.(2)So long as this section remains in force clause (b) of section 505 of the Ranbir Penal Code, 1989, shall be inoperative.

## **30. Acts intended or likely to outrage the religious feelings of any of the people**

Whoever, with intent to outrage the religious feelings of any section of the subjects of the State or with the knowledge that he is likely so to do, by words, whether spoken or written, or by signs or by visible or audible representations, or otherwise insults or attempts to insult the religion or the



religious beliefs of that section shall be punishable with rigorous imprisonment which may extend to two years, or with fine, or with both.

## **31. Sabotage**

Whoever does any act, with intent to impair the efficiency or impede the working of or to cause damage to-(a)any building, vehicle, machinery, apparatus or other property used, or intended to be used for the purposes of Government, or any local authority,(b)any road, canal, bridge, culvert, causeway, aerodrome, or any telegraph or telephone line or post,(c)any rolling stock of an aircraft,(d)any sewage, works, mine or factory, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

### **31A. 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.

### **31B. Punishment for carrying or possessing any corrosive substance or liquid**

Any person who carries on his person or knowingly has in his possession or under his control any corrosive substance or liquid under such circumstances as to give rise to a reasonable suspicion that he does not carry it on his person or have it in his possession or under his control for a lawful object shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to seven years, to which fine may be added.

## **32. Avoidance of strikes and lock-outs**

(1)If, in the opinion of the Government, it is necessary or expedient so to do for securing the public safety, the maintenance of public order or for maintaining supplies and services essential to the life of the community, the Government may, by general or special order, applying generally or to any specified area, and to any undertaking or class of undertakings, make provision-(a)for prohibiting, subject to the provisions of the order, a strike or lock-out in connection with any trade dispute;(b)for requiring employers to observe for such period as may be specified in the order such terms and conditions of employment as may be determined in accordance with the order;(c)for referring any trade dispute for conciliation or adjudication in the manner provided in the order;(d)for enforcing, for such period as may be specified in the order, the decisions of the authority to which a trade dispute has been referred for adjudication;(e)for any incidental and supplementary matters which appear to the Government necessary or expedient for the purposes of the order:Provided that no

order made under clause (b) -(i) shall require an employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months preceding the date of the order; (ii) where a trade dispute is referred for adjudication under clause (c), adjudication shall be enforced after the decision of the adjudicating authority is announced by, or with the consent of, the Government. (2) Whoever contravenes the provisions of any order made under this section shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred, rupees, or with both. (3) In this section, -(i) "undertaking" means any undertaking by way of trade or business; (ii) "employer" in the case of any industry, business or undertaking carried on by any department of the State, means the authority prescribed in this behalf or where no authority is prescribed, the head of the department; (iii) "lock-out" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, where such closing, suspension or refusal occurs in consequence of a dispute and is intended for the purpose of compelling those persons or of aiding another employer in compelling persons employed by him to accept terms or conditions of or affecting employment; (iv) "strike" means a cessation of work by a body of persons employed in any trade or industry acting, in combination, or a concerned refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment; (v) "trade dispute" means any dispute or difference between employer, and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment with the conditions of labour of any person.

## **32A. Requisitioning of property**

(1) If in the opinion, of the Government it is necessary or expedient so to do, for maintaining public order or for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community or for rehabilitating persons displaced from the residences or shops due to communal strife, it may by order in writing requisition any property, movable or immovable, and make such further orders as appear to it to be necessary or expedient in connection with the requisitioning: Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section. (2) The Government may use or deal with any property requisitioned under sub-section (1) in such manner as may appear to it to be expedient. (3) The Government shall pay compensation for any property requisitioned by it under sub-section (1) and the principles according to which and the manner in which such compensation is to be determined and given shall be as follows: -(a) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement; (b) where no such agreement can be reached, the amount of compensation shall be such as an arbitrator appointed in this behalf by the Government may award; Provided that in the case of immovable property the arbitrator shall be a District Judge or an Additional District Judge; (c) in awarding the amount of compensation the arbitrator shall have regard to pecuniary loss attributable to the requisition and to any other circumstances which he considers to be just and proper; (d) in the case of immovable property, the Government may, in any particular case nominate a person having expert knowledge as to the nature of the property requisitioned to assist the arbitrator and where such nomination is made the person to be compensated may also nominate another person for the said purpose; (e) an appeal shall

lie to the High Court against an award of the arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump or in the case of an amount payable periodically, two hundred and fifty rupees per mensem;(f)in the case of movable property where immediately before the requisition, the property was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the total compensation payable in respect of the requisition shall be apportioned between that person and the owner and in default of agreement, in such manner as the arbitrator referred to in clause (b) may decide to be just and proper;(g)the amount awarded as compensation by the arbitrator or ordered to be paid by the High Court on appeal in cases coming under clause (e) shall be paid within three months of the date of the award or order made by the arbitrator or the High Court;(h)save as provided in this sub-section and in any rules made under section 40, nothing in any other law for the time being in force shall apply to an arbitrator under this sub-section.(4)Where any immovable property requisitioned under sub-section (1) is to be released from requisition the Government may after making such enquiry, if any, as it considers necessary, specify by order in writing the person who appears to the Government to be entitled to the possession of such property.(5)The delivery of possession of the immovable property requisitioned under sub-section (1) to the person specified in an order made under sub-section (4) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered.(6)Where the person to whom possession of any immovable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf the Government shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the Government Gazette.(7)When a notice referred to in sub-section (6) is published in the Government Gazette, the immovable property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to, have been delivered to the person entitled to possession thereof, and the Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.(8)Where any immovable property requisitioned under sub-section (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement it shall be paid in accordance with such agreement; where no such agreement can be reached, the matter shall be referred to an arbitrator and thereupon the provisions of sub-section (3) which are applicable to immovable property shall, as far as may be, apply.(9)The Government may, with a view to requisitioning any property under sub-section (1) by order,-(a)require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;(b)direct that the owner, occupier, or person in possession of the property shall not without the permission of the Government dispose of it or where the property is building structurally alter it or where the property is movable, remove it from the premises in which it is kept till expiry of such reasonable period as may be specified in the order.(10)Without prejudice to any powers otherwise conferred by this Act any person authorised in this behalf by the Government may enter any premises between sunrise and sunset and inspect such premises and any property therein or thereon for the purpose of determining whether and if so in what manner, an order under this

section should be made in relation to such premises or property or with a view to securing compliance with any order made under this section.(11)(a)The Government may, at any time by order in writing, require the owner of any immovable property requisitioned under sub-section (1) to execute such repairs therein as it deems necessary and within such time as it may specify in the order.(b)If the owner fails to execute or complete such repairs within the time specified the Government may cause such repairs to be executed or completed and the cost thereof shall be recoverable from the owner as if it were an arrear of land revenue.(c)The Government may, without prejudice to any other mode of recovery deduct the cost referred to in clause (b) or any part thereof from the compensation payable to the owner under sub-section (3).(12)If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

### **32B. Requisitioning of property at the instance of the Union**

(1)Where any property movable or immovable situate in the State is required by the Union Government in connection with the purposes of the Union and a requisition in that behalf is received by the Government, the Government shall requisition the same and make Such further orders as appear to it to be necessary or expedient in connection with such requisition.(2)The expenditure, if any, incurred by the Government in this behalf, shall be borne by the Union Government.(3)The provisions contained in section 32-A for determination or payment of compensation shall apply mutatis mutandis in respect of the property requisitioned under this section.

### **33. Penalty for obstructing officers**

Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Ranbir Penal Code.

### **34. Procedure in offences under this Act**

Notwithstanding anything contained in the Code, -(i)no Court inferior to that of Magistrate of the first class shall try any offence against this Act;(ii)an offence punishable under sections 22, 26, 29 and 31 shall be cognizable by the police.

### **35. Special Magistrate**

(1)The Government may appoint any officer to be a Special Magistrate to try offences under this Act.(2)Such Special Magistrate and all officers exercising the powers of a first class Magistrate, a District Magistrate or Additional District Magistrate shall have the power to try cases summarily under this Act.

### **36. Summary trials appeals and revisions**

(1)Notwithstanding anything contained in the Code, offences punishable under sections 22, 26, 29 and 31 of this Act and in any area in which a notification under section 25 is in force any of the Ranbir Penal Code offences specified in the said notification, may be tried under the procedure laid down for the summary trial of offences in the Code and any Magistrate so trying summarily any such case shall be competent to impose a sentence of imprisonment up to a maximum term of three months or such fine as he might legally impose under this Act if he had not tried the case summarily, or both.(2)The provisions of the Code which provided for appeals, reference and revision shall apply to all sentences imposed for offences under this Act, but such sentences if inflicted in summary trials and not exceeding one month's imprisonment and rupees fifty fine, or, where no substantive sentence of imprisonment is inflicted, not exceeding rupees two hundred fine, shall not be subject to appeal.

### **37. Powers to require the assistance of certain persons**

(1)Any officer of Government authorised in this behalf by general or special order of the Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct.(2)If any person fails to comply with any lawful direction given to him under sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.