

The Punjab Security of State Act, 1953

HARYANA

India

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Act 12 of 1953

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The Punjab Security of State Act, 1953 Punjab Act No. 12 of 1953 Statement of Objects and Reasons - "The Punjab Security of the State Act, 1951 (President's Act 1 of 1951) replacing the East Punjab Public Safety Act, 1949, which expired on the 14th September, 1951, was enacted by the President on the 12th September, 1951, when the Constitution in the Punjab had been suspended. Under Article 357(2) of the Constitution of India, this Act shall cease to have effect on the expiration of a period of one year after the proclamation under Article 356 of the Constitution has ceased to operate, i.e., on 17th April, 1953. Conditions in the State, however, are not yet quite normal or free from serious difficulties, and it is considered that the powers contained in the proposed Bill should be available to Government for ensuring the security of the State and the maintenance of public order". Punjab Government Gazette Extraordinary, dated the 19th March, 1953. Received the assent of the Governor on the 16th April, 1953, and first published in the Punjab Government Gazette Extraordinary, dated the 11th April, 1953. An Act to provide for special measures to prevent activities prejudicial to the security of the State and 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 State Act, 1953. (2) [It extends to the whole of the State of Haryana] [Substituted by Adoption of Laws Order 1968.] (3) [It shall come into force at once in the principal territories and on 15th May 1958, in the transferred territories] [Adoption of Laws Order 1968.]

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 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; (d) any building or other property used in connection with any

industry, business or establishment of the nature specified in the Schedule.(2)The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do any thing 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 be 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 function 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. 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, flag, 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 of 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 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 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 time 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 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 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 the 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 any of the aforesaid documents before it.[7A. Whoever contravenes, disobeys or neglects to comply with any order made or direction given under section 4, 6 or 7 of this Act, shall on conviction, be liable to be punished with imprisonment of either description which may extend to one year or with fine or with both] [Added by Punjab Act 6 of 1954.].

8. Possession or conveyance of prescribed 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 documents 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. Dissemination of rumours, etc.

- Whoever -(a)makes any speech, or(b)by words, whether spoken or written, or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report,shall if such speech, statement, rumour or report undermines the security of the State, friendly relations with foreign States, public order, decency or morality, or amounts to contempt of Court, defamation or incitement to an offence prejudicial to the security of the State or the maintenance of public order, or tends to overthrow the State, be punishable with imprisonment which may extend to three years or with fine or with both.

10. [Imposition of collective fine on inhabitants of an area. [Substituted by Haryana Act No. 20 of 1969.]

- If on account of the commission, attempt to the commission or abetment of all or any of the offences specified in Chapter 8 Sections 187 to 190, 212, 302, 304, 323 to 326, 332, 379, 380, 390 to 402 and 436 Chapter 22 of the Indian Penal Code, 1860 (45 of 1860), the State Government is satisfied that circumstances exist which render it necessary to take immediate action for the maintenance of public order or for preventing danger to life or property of the people of the State or of the area in particular, or for the maintenance of services or supplies essential to the life of the community, it may, by notification, impose such collective fine on all or such inhabitants of the said area as it thinks fit on the materials available regarding their connection with any of the offences mentioned in this sub-section.](2)The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the declaration to the notice of the said inhabitants.(3)(a)The District

Magistrate shall, after such enquiry as he may consider necessary, apportion the fine imposed under sub-section (1) among the said inhabitants according to his judgment of their respective means.(b)In making any such apportionment the District Magistrate may assign a portion of such fine to an undivided Hindu family to be payable by it :Provided that the fine apportioned to an inhabitant under this sub-section shall not be realised until a petition, if any, filed by him under sub-section (4) is not disposed of.(4)(a)Any person aggrieved by the imposition of the fine under sub- section (1) or by the order of apportionment under sub-section (3) may, within the period prescribed by the State Government, file a petition before the District Magistrate for being exempted from such fine or for modification of the order of apportionment :Provided that no fee shall be charged for filing such petition.(b)The District Magistrate may at any time transfer the petition for disposal to any officer subordinate to him not below the rank of a Sub- Divisional Magistrate.(c)After giving the petitioner a reasonable opportunity of being heard, the District Magistrate or the officer to whom the proceedings is transferred under clause (b) may pass such order as he considers fit :Provided that the amount of fine exempted or reduced under this sub-section shall not be realisable from any person and the total fine imposed on the inhabitants of the area under sub-section (1) shall be deemed to have been reduced to that extent.(5)An appeal, preferred within the period prescribed by the State Government, from an order under sub-section (4) shall lie -(i)When such order is made by the District Magistrate to the Commissioner of the Division; and(ii)When such order is made by any officer subordinate to the District Magistrate, to the District Magistrate :Provided that no appeal shall be entertained unless fifty per centum of the fine payable in accordance with the order under sub-section (4) has been paid and the memorandum of appeal is accompanied with a proper receipt showing such payment :Provided further that no fee shall be charged for filing such appeal.(6)An order passed under sub-section (1) or sub-section (2) where no petition has been filed under sub-section (3) or an order under sub-section (4) if not appealed against, and an order passed on appeal under sub-section (5) shall be final.(7)The portion of such fine payable by any person (including a Hindu undivided family) may be recovered -(a)in the manner provided by the Code of Criminal Procedure, 1898 (V of 1898), for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the District Magistrate acting as a Court; or(b)as arrears of land revenue.

11. Powers of search.

- The power to issue search warrants conferred by Section 98 of the Code of Criminal Procedure, 1898 (V of 1898), 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 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 any warrant issued and to the deposal 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 (V of 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 proceedings 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.

14. Repeal and savings.

- The Punjab Security of the State Act, 1951 (President's Act, No. I of 1951), and the Punjab Security of the State (Amendment) Act, 1951 (President's Act No. III of 1951), are hereby repealed; but notwithstanding such repeal, any order made, notification or direction issued, appointment made or action taken in exercise of the powers conferred by or under either of the said Acts and in force immediately before the commencement of this Act shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued, done or taken under the corresponding provisions of this Act as if this Act was in force on the day on which such thing was done or action was taken and all the provisions of this Act shall apply accordingly. 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 department 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.