

The Gujarat Prohibition of Maintenance of Private Armed Force Act, 1989

GUJARAT

India

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Act 9 of 1989

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The Gujarat Prohibition of Maintenance of Private Armed Force Act, 1989 Gujarat Act No. 9 of 1989 [Dated 8th March, 1989] This Act was assented to by the Governor on the 7th March, 1989. An Act to regulate in the interest of public order the keeping and maintenance of private armed force for the protection of land or crop in the State of Gujarat. It is hereby enacted in the Fortieth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Gujarat Prohibition of Maintenance of Private Armed Force Act, 1989. (2) It shall be deemed to have come into force on the 21st December, 1988. (3) It shall apply in the first instance to areas within the jurisdiction of a gram panchayat and a nagar panchayat, but the State Government may, by notification in the Official Gazette, apply the provisions of this Act to such other areas in the State and with effect from such date as may be specified in the notification.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "gram panchayat" and "nagar panchayat" means a gram panchayat and a nager panchayat established under the Gujarat Panchayats Act, 1961 (Gujarat VI of 1962); (b) "land" means land which is used for agricultural purpose or which is so used but is left fallow, and includes the site of farm building appertenant to such land; (c) "land holder" means a person who is the holder of land or is interested in land and includes, in relation to any land within the jurisdiction of a gram panchayat or a nagar panchayat, such panchayat; (d) "prescribed" means prescribed by rules made under Section 8; (e) "private armed force" means a force consisting of one or more persons who are armed for the whole or part time and maintained by or subject to the control of, a person other than the Union or the State Government, but does not include a

person employed as a helper or sathi or an agricultural labourer who is not armed.Explanation. - A person shall be deemed to be armed if he has in his possession an article of any description designed or adapted as a weapon of offence or defence, not being an article commonly used for domestic or agricultural purposes, such as a lathi, a sickle, an axe or a Dharia.

3. Prohibition against keeping and maintenance of private armed force.

- No landholder shall, either himself or through any other person, keep and maintain any private armed force for protection of land or crop or otherwise.

4. Employment by a land-holder of persons who are armed.

- Notwithstanding anything contained in Section 3 but subject to the provisions of Section 5, a land holder may employ for the purpose of protection of his land or crop not more than two persons who are armed :Provided that where a gram panchayat or a nagar panchayat is satisfied that having regard to the extent of land or crop within its jurisdiction employment of more than two persons who are armed is necessary, the panchayat may employ more than two such persons but not more than such number of such persons as may be prescribed.

5. Restriction of employment made by landholder.

(1)A landholder, after employing a person under Section 4 and a person after accepting such employment shall, furnish such information, within such time and in such manner, as may be prescribed, to the officer in charge of the police station having jurisdiction over the area in which the land held by the land holder, or in which the land holder is interested, is situated.(2)When on receipt of the information furnished under sub-section (1), the officer in charge of the police station, after making such inquiry, as he deems fit, is of the opinion that such person is not fit to be so employed, the officer in charge of the police station shall inform the land holder accordingly.(3)Where a landholder is informed by the officer-in-charge of the police station under sub-section (2) that the person employed by such landholder is not fit to be so employed, the landholder shall, within fifteen days after he is so informed, terminate employment of such person as a member of his armed force:Provided that the landholder may not terminate the employment of such person if such person executes within the aforesaid period of fifteen days a bond with the landholder as surety, for such amount as may be prescribed for his good behaviour during the period of his employment.

6. Penalty for contravention of section 3 or 5.

(1)Whoever being a landholder contravenes the provisions of Section 3 or 5 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.(2)Whoever being a land holder or being a person employed by a landholder under Section 4, without reasonable cause or excuse, fails to furnish information required of him under Section 5, or, wilfully furnishes or causes to be furnished any information which he knows to be false, shall on conviction, be punished with imprisonment for a term which may extend to three months or with

fine, or with both.

7. Offences to be cognizable.

- An offence against Sections 3 and 5 shall be cognizable.

8. Power of State Government to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing, power, such rules may provide for all and any of the following matters namely:-(a)the number of persons under the provision to Section 4,(b)the information to be furnished and the time within which and the manner in which such information shall be furnished under sub-section (1) of Section 5,(c)the amount of the bond to be executed and of the surety to be furnished under proviso to sub-section (3) of Section 5,(d)any other matter which is to be, or may be, prescribed by rules.(3)The power to make rules conferred by this Section shall be subject to the condition of the rules being made after previous publication.(4)All rules made under this Section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid, or the session immediately following.(5)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

9. Repeal and savings.

(1)The Gujarat Prohibition of Maintenance of Private Armed Force Ordinance, 1988 (Gujarat Ordinance. 10 of 1988) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.