

The Meghalaya Maintenance Of Public Order Act, 1947

MEGHALAYA

India

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Act 5 of 1947

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The Meghalaya Maintenance Of Public Order Act[Assam Maintenance Of Public Order Act, 1947 (Act V Of 1947)]An Act to enable the Provincial Government to provide for restrictions on movement, imposition of, collective fines, control of press and publications, control of meetings and processions and of essential services for the maintenance in Meghalaya of public order and of services essential to the life of the community.WHEREAS it is expedient to enable the Provincial Government to provide for restrictions on movement, imposition and recovery of collective fines, control of press, and publications, control of meetings and procession and to regulate the use and sale of certain dresses and of services essential to the life of the community and purposes connected therewith in order to safeguard, prevent and overcome, should it arise, any break-down of law and order.It is hereby enacted as follows:—

1. Short title, extent and commencement.

(1)This Act shall be called the Meghalaya Maintenance of Public Order Act.

2. Power to make orders restricting the movements or actions of certain persons.

(1)The State Government, if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the public safety and maintenance of public order it is necessary so to do, may make an order -(a)directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in Meghalaya as may be specified in the order;(b)requiring him to reside or remain in such place or within such area in Meghalaya as may be specified in the order, and if he is not already there to proceed to that place or area within such time as may be

specified in the order.(c)Requiring him to notify his movements or to report himself or both to notify him movements and report himself in such manner, at such times and to such authority or person as may be specified in the order;(d)Imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of the opinions;(e)Prohibiting or restricting the procession or use by him of any such articles or articles as may be specified in the order;(f)Otherwise regulating his conduct in any such particular manner as may be specified in the order.(2)A District magistrate may exercise the power conferred by sub-section (1) and an order so made by him shall be valid for a period not exceeding two months.(3)When any order is made under sub-section (1) by a district Magistrate or by an officer or authority empowered under Section 9 the District Magistrate or that office or authority as the case may be shall forthwith report the fact to the State Government, together with the grounds on which the order has been made and such other particulars as, in the opinion of such officer or authority, have a bearing on the necessity for or expediency of the order.(4)An order made under sub-section (1) 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, such restriction or conditions made in the order as may be specified in the order.(5)If any person is in any area or place in contravention of an order made under the provisions of this section, or fails to leave any area or an place in accordance with the requirements of such an order then he may be removed from such area or place by any police officer or by any person acting on behalf of Government.(6)If the State Government has reason to believe that a person in respect of whom such an order as aforesaid has been made has absconded or is concealing himself so that the order cannot be executed, it may -(a)make a report in writing of the fact to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as if the order under clause (a) or (b) of sub-section (1) of section 2 were a warrant issued by the Magistrate.(b)By order notified in the official Gazette, direct the said person to appear before such officer, at such place, and within such period as may be specified in the order, and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.(7)If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (4) his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.(8)If any person required to enter upon a bond under sub-section (4) refuses or fails to do so within the time specified in the order, he shall be punishable with imprisonment for a term which may extend to one year:Provided that if during the course of trial or during the period the person is in imprisonment the bond is duly entered upon by him, the trial or the imprisonment, as the case may be, shall abate with effect from the date the bond is entered into.

3. Duration of order under Section 2

An order made under sub-section (1) of section 2 shall be in force in such period as may be specified but not exceeding one year from the date on which it is confirmed or modified under sub-section (3) of section 4B, unless earlier revoked: Provided that the State Government may, if and so often they deem necessary or expedient, before the date on which under this section any such order would otherwise have ceased to be in force, and after giving an opportunity to the person concerned to make any representation in writing which he may desire to make and after referring the matter to the Advisory Council and considering its report direct that the order shall continue in force for a further period not exceeding one year at a time as may be specified in the order.

4. Grounds of order under section 2 (1) to be disclosed to person affected by the order.

Where an order is made in respect of any person under sub-section (1) of section 2, as soon as may be after the order is made, the authority making the order shall communicate to the person affected thereby, so far as such communication can be made without disclosing facts which the said authority considers it would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in the opinion of such authority sufficient to enable him to make if he wished a representation against the order; and such person may at any time thereafter make a representation in writing to such authority against the order and it shall be the duty of such authority to inform such person of his right of making such representation and to afford him the earliest opportunity of doing so:***

4A. Reference to Advisory Council

On receipt of the representation referred to in section 4 or in case no representation is received the State Government, as soon as may be, shall place before the Advisory Council constituted under sub-section (1) of section 4B the grounds on which the order has been made and in case such order has been made by an authority or officer subordinate to them, the report made by him under sub-section (3) of section 2 and the representation, if any, made the person concerned.

4B. Constitution of Advisory Council

(1) The State Government, wherever necessary, shall constitute an advisory Council consisting of not less than three members, one of whom shall be person qualified to be a Judge of High Court and he shall be its Chairman. (2) 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 before the expiry of four months from the date of order made under sub-section (1) of section 2. (3) After considering the report of the Advisory Council, the State Government may confirm modify or cancel the order made under sub-section (1) of the section 2. (4) The Chairman and the members of the Advisory Council shall for the purpose of this Act be deemed to be holding office within the meaning

of sub-section (6) of section 2 of the Indian Official Secret Act, 1923.

5. Imposition of collective fines on inhabitants of any area.

(1) If it appears to the State Government that the inhabitants of any area are concerned in or abetting the Commission of offences prejudicially affecting the public safety or the maintenance of public order; or the maintenance of supplies or services necessary to the life of the community, or harbouring person concerned in the commission of such offence or are failing to render all the assistance, in their power to discover or apprehend the offender or offenders or are suppressing materials, evidence of the commission of such offences, the State Government may, by notification in the official Gazette, impose a collective fine on the inhabitants of that area: Provided that an imposition of a collective fine by any authority on whom the power may, have been delegated under this Act may, be made by publication of the order imposing the fine in any such manner as such authority may consider best calculated to bring the order to the notice of the inhabitants of the area concerned. (2) The State Government or any officer empowered in this behalf by the State Government by general or special order may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine. (3) The District Magistrate, after such enquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it and such apportionment shall be made according to the District Magistrate's judgement of the respective means of such of inhabitants. (4) In any such apportionment the District Magistrate may assign a portion of such fine to a joint or undivided family to be payable by it. (5) 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 as if such portion were fine imposed by the District Magistrate acting as a Court; Provided that the State Government may in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure 1898, make rules under this Act regulating the manner in which warrants under clause (a) of sub-section (1) of the said section of the said Code are to be executed, and for summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or (b) as areas of land revenue.

6. Control of meeting processions etc.

(1) The State Government may for the purpose of maintaining public order, by general or special order prohibit, restrict or impose conditions upon the holding of procession, meetings or assemblies by a class of persons or organizations whose activities, in the opinion of the State Government, are subversive of law and order. (2) If any person contravenes any order issued under this section, he shall be punishable with imprisonment which may extend to two years or with fine or with both.

6A. Breach of public order, penalty.

Whoever whether an individual or any organization or any association of persons or group of persons either singly or collectively does/do anything by whatever means any act for causing abstention from normal activities by members of public, employees, disrupts normal life or does any act being subversive of law and order or destroy public or private properties shall be guilty of offence

under this Act and shall be punishable with imprisonment for three years and upwards but not more than seven years and also shall be liable to compensate the Government, the public and private citizen for the loss suffered by them.

6B. Assessment authority

For the purpose of assessment of destruction and loss under section 6A the State Government may assess such destruction and loss and such assessment may be made by the Deputy Commissioner of respective District or by any other officers as may be directed by the Deputy Commissioner and includes assessment by any authority of the Government prior to the commencement of this Act.

6C. Designation of Judicial Officer

Notwithstanding anything contained in this Act, the Government of Meghalaya may, with prior approval of Chief Justice of High Court of Meghalaya, designate one or more judicial officers for the whole state of Meghalaya or part for the purpose of section 6A.

7. Control of camps drill or parades

(1)The State Government may in the interest of public order by an order prohibit, or impose such condition as may be necessary on holding of camps or performance of drill or parade with or without arms, or any article, weapon or implement capable of being used as arms by any class of person or organizations whose activities are in the opinion of the State Government subversive of law and order.(2)Any contravention of an order made under this section shall be punishable with imprisonment which may extend to two years or with fine or with both.

8. Control of publications etc.

The State Government, if satisfied that such action is necessary for the purpose of preventing any activity which undermines the security of or tends to overthrow the State or any part thereof, may-(a)by order in writing prohibit either absolutely or for a specified period the bringing into or sale or distribution or circulation within the State of any newspaper, periodical, book, leaflet or other document specified in the order;(b)by an order in writing addressed to any printer, publisher or editor or generally to all printers, publishers or editors or to such class of printers, publishers or editors as may be specified therein -(i)prohibit either absolutely or for a specified period the printing or publication of any matter relating to a particular subject or class of subject in any particular issue or issues of a newspaper or periodical or in any book or in any other document whatsoever;ii) require that the matter relating to or arising out of any matter published in any previous issue of any newspaper or periodical be published in any particular issue of such newspaper or periodical in such manner as may be specified in the order;(iii)prohibit either absolutely or for a specified period the publication of any newspaper, periodical, book or any other document whatsoever or the use of any Press.(2)The officer referred to in sub-clause (iii) of clause (b) of sub-section (1) may after scrutiny of the matter, issue a direction either prohibiting its publication or permitting its publication with

such modification as he may deem necessary.(3)If any person contravenes any order made or direction given 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.(4)Where it appears to the State Government that an order made or direction given under this section is contravened, the State Government may, without prejudice to the penalty prescribed in sub-section (3), direct that any copy wherever found of the newspaper or periodical or any issue thereof, or book or other documents; in respect of which the order or direction appears to have been contravened or any printing press or other instrument or apparatus used in the printing or production of any such newspaper, periodical, book or document shall be seized and detained.Explanation :- For the purpose of this section "printer" includes a "keeper of a printing press" and the "press" shall have the same meaning as is assigned to that word in the Indian Press (Emergency Powers) Act, 1931.

8A. Control of use of loud speaker megaphones, etc.

(1)The State Government may, for purpose of the preventing activities, which in their opinion undermine the security of, or tend to overthrow the State by general order, prohibit, restrict or impose conditions on -(i)the use or operation in street, square, public place or any other place of any apparatus for amplifying the human voice, or any reproduction of the human voice, such as a megaphone or an electrically operated loudspeaker; and(ii)the use or operation or driving in any street, square, public place or any other place of any vehicle which carries or has attached to it any apparatus referred to in sub-clause (i)(2)If any person contravenes any order issued under this section, he shall be punishable with imprisonment, which may extend to two years or with fine or with both.(3)The apparatus referred to in sub-clause (i) together with the vehicle, if any, to which it may be attached shall be liable to be forfeited to Government if it be used or operated in contravention of an order passed under this section.

8B. Prevention of Prejudicial Act and report.

(1)No person shall, without lawful authority or excuse-(a)do any prejudicial act; or(b)make, print, publish, distribute or exhibit any document containing or spread by any other means whatsoever, any Prejudicial report.(2)The author, editor, printer or publisher of, and any person who otherwise makes, produces or exhibits any prejudicial report and any person who distributes or sells any reports of that nature knowing it to be of such nature shall be deemed to have contravened this section.(3)If any person contravenes 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:Provided that in any proceedings arising out of a contravention of this section -(a)in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be, -(i)before the Assam Maintenance of Public Order (Second Amendment) Act, 1949 came into force, or(ii)with the permission or under the authority of the State Government, or(iii)as a proof intended for submission to the State Government or to a person or authority designated by the State Government in this behalf with a view to obtaining permission for its publication;(b)in relation to the publication of any document it shall be a defence for the accused to prove that the said document was published with the permission or under the authority of the State Government.Explanation. - For the purpose of this section -(a)"prejudicial act" means any act,

including shouting slogans, which is intended or is likely to undermine the security, or tend to overthrow the State.(b)"prejudicial report" means any report, statement, utterance or visible representation, which it, or the publishing of which is, an incitement to the commission of a prejudicial act :Provided that bonafide acts indicating, disapprobation of the policy or measures of the Government with a view to obtain their alteration by lawful means shall not be deemed to be acts which are intended or are likely to undermine the security of or tend to overthrow the State.

8C. Power of photographing, etc.

(1)The State Government or any District Magistrate may further direct a person on whom any order under Section 2 of this Act has been passed that such person shall -(a)allow himself to be photographed;(b)allow his finger and thumb-impression to be taken; and(c)furnish specimens of his handwriting and signature.(2)If any person contravenes any order issued under this section, he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

8D. 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 reasonable suspicion that he does not carry it on his person or have it in his possession or under this 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 two years or with fine or with both.

8E. Protected place

(1)If as respect any place or class of places the State Government considers it necessary or expedient in the public interest or in the interest of the safety and security of such place or class of places that special precaution should be taken to prevent the entry of unauthorized persons, the State Government may by order declare that place or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as may be, shall be a protected place for the purposes of this Act.(2)No person shall, without, the permission of the State Government or of any person in authority connected with the protected place duly authorized by the State Government in this behalf or the district Magistrate or of the Sub-divisional Magistrate having jurisdiction, enter, or be on or in or pass over, any protected place and no person shall loiter in the vicinity of any such place.(3)Where in pursuance of such-section (2) any person is granted permission to enter, or to be on or in, to pass over, a protected place, that person shall, while acting under such permission, comply with such orders for regulating his conduct he may be given by the authority which granted the permission.(4)Any Police Officer, or any other person authorized in this behalf by the State Government may search any person entering, or seeking to enter, or being or in, or leaving, a protected place and any vehicle, vessel, animal or

article brought in by such person, and may, for the purpose, of the search, detain such person, vehicle, vessel, animal or article: Provided that no woman shall be searched in pursuance of this Sub-section except by a woman. (5) If any person contravenes any provision of this section then, without prejudice to any other proceedings which may be taken against him he may be removed therefore by any Police Officer or by any other person authorized in this behalf by the State Government. (6) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

8F. Protected areas.

(1) If the State Government considers it necessary on expedient in the public interest or in the interest of the safety and security of any area to regulate the entry of person into that area, the State Government may without prejudice to any other provisions of this Act, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purpose of this Act. (2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (1) no person who was not immediately before the said day resident in the area declared to be a Protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority on person specified in the said order. (3) Any police officer or any other person authorized in this behalf by the State Government may search any person entering or seeking to enter, or being on or in, or leaving a protected area and any vehicle, vessel, animal or article brought in the such person, and may, for the purpose of the search detain such person, vehicle, vessel, animal or article: Provided that no woman shall be searched in pursuance of this sub-section by a woman. (4) If any person is in a protected area in contravention of the provisions of this section then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer on duty in the protected area or the State Government. (5) If any person is in a protected area in contravention of any of the provisions of the section he shall be punishable with the Imprisonment for a terms which may extend to three years or with fine or with both.

8G. Forcing or evading a guard.

Any person who effects or attempt to effect entry into a protected place or protected area-(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting or preventing or controlling access to, such place or area, or (b) after taking precautions to cancel his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

8H.

If the State Government considered it necessary or expedient in the public interest or in the interest of public safety or maintenance of Public order that the use, possession or sale of any official Uniform, Indian or Foreign, or any dress so nearly resembling such Uniform as to be calculated to deceive should be regulated, the State Government may, by general or special order deceive direct

the no person shall without lawful authority use, possess or sell such official Uniform or dress without a license or permit from the Deputy Commissioner or the Sub-divisional Officer, as the case may be, within their respective jurisdiction.

9. Delegation of Power and duty of State Government

The State Government may by order direct that any power or duty except the power to make orders under Section 2(1) (a) and (b), which is conferred or imposed on the State Government shall in such circumstances and under such conditions, if any, as may be specified in that direction be exercised or discharged by an officer not below that rank of District Magistrate or Additional District Magistrate.

10. Protection of action to be taken under this Act.

No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

11. Application of other laws not barred

The provisions of this Act shall be in addition to and not in derogation of any other Act, Ordinance or Regulation for the time being in force.

12. Power to arrest without warrant

Any police officer may arrest without warrant any person who is reasonable suspected of having committed or of being about to commit an offence punishable under this Act.