

The East Punjab Armed Bands (Arrest and Detention) Act, 1947

HARYANA

India

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Act 11 of 1947

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The East Punjab Armed Bands (Arrest and Detention) Act, 1947East Punjab Act 11 of 1947Received the assent of His Excellency the Governor of East Punjab on the 4th December, 1947, and was first published in the East Punjab Government Gazette Extraordinary, dated the 8th December, 1947.For Statement of Objects and Reasons see East Punjab Government Gazette, 1947 page 48, for proceedings in the Assembly see East Punjab Legislative Assembly Debates, Vol. I, 1947 pages 48-60 and 172-77.It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1)The Act may be called the East Punjab Armed Bands (Arrest and Detention) Act, 1947.(2)It extends to the whole of [the principal territories] [Substituted vide Haryana Adoption of Laws Order for words 'Punjab']. (3)It shall come into force in such areas and on such date or dates as [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification, appoint in this behalf.

2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"Arms" has the meaning given to it in the Indian Arms Act, 1878, and includes any weapon, or thing capable of being used as weapon, which if used for offence is likely to cause grievous hurt or death; but does not include licensed arm or arms for which no licence is, under the provisions of the said Act or rules made thereunder required;(b)"Armed band" means any assembly or group of five or more persons all or any of whom carry or carries arms;Provided that no public servant who carries any arms in pursuance of his duties as such public servant shall be treated as member of an armed band;(c)"The Code" means the Code of Criminal Procedure, 1898;(d)"Concentration Camp" means any camp established by or under the authority of the [State] [Substituted for the word 'Provincial']

by the Adaptation of Laws Order, 1950.] Government for the detention of persons contravening any of the provisions of this Act;(e)"Grievous hurt" has the meaning given to it in section 320 of the Indian Penal Code, 1860;(f)"Public servant" has the meaning given to it in section 21 of the Indian Penal Code, 1860.

3. Power to arrest members of armed bands.

(1)Any Magistrate and any police officer not below the rank of Station House Officer may arrest without warrant any member of an armed band, and if resistance is offered to the arrest, may fire upon or otherwise use force, even to the causing of death, in order to effect such arrest.(2)The procedure laid down in sections 41 to 53 of the Code shall be, so far as may be, applicable to arrest effected under sub-section (1).

4. Procedure after arrest.

(1)The officer affecting the arrest shall with all convenient speed take or send the arrested person to the officer-in-charge of the nearest concentration camp.(2)The officer-in-charge of a concentration camp may pending trial keep the arrested person in detention for a period not exceeding one month.

5. Power to establish concentration camps.

(1)the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government and, with the authority of [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, the District Magistrate, within the area under his jurisdiction, may establish concentration camps.(2)The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by general or special order prescribe the organisation of such camps and determine the conditions as to maintenance, discipline and the punishment of offences and breaches of discipline which shall be applicable to persons kept in custody in such camps.

6. Offenders and Penalties.

(1)Whoever is a member of an armed band, shall, on conviction for such offence by a competent Criminal Court, be punished with imprisonment of either description which may extend to three years or with fine or with both.(2)Whoever being a member of an armed band resists his arrest by or under the orders of a duly authorised officer shall on conviction for such offences by a competent Criminal Court, be punished with imprisonment of either description which may extend to seven years or with fine or with both.

7. Procedure.

- Notwithstanding anything to the contrary contained in the Code any Magistrate trying an offence under this Act may if he thinks fit try any such offence summarily according to the procedure

prescribed in chapter XXII of the Code.

8. Offences under the Act to be non-bailable.

- Notwithstanding anything contained in the Code any offence punishable under this Act shall be non-bailable.

9. Special provision regarding bail.

- Notwithstanding anything contained in the Code no person accused of an offence made punishable by this Act shall if in custody, be released on bail or on bond unless -(a)the prosecution has been given an opportunity to oppose the application for such release; and(b)where the prosecution opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

10. Jurisdiction barred.

- No prosecution, suit or other legal proceedings shall be instituted except with the previous sanction of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred under sections 3 and 4 of this Act, or under any order made under sub-section (2) of section 5.

11. Operation of other penal laws not barred.

- Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act which constitutes an offence punishable under this Act.

12. Repeal of ordinance VI of 1947.

- The East Punjab Armed Bands (Arrest and Detention) Ordinance, 1947, is hereby repealed.