

The Meghalaya Maintenance Of Public Under (Autonomous Districts) Act

MEGHALAYA

India

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Act 16 of 1953

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The Meghalaya Maintenance Of Public Under (Autonomous Districts) Act,(The Assam Maintenance Of Public Under (Autonomous Districts) Act, 1953 (Assam Act XVI of 1953) as adapted and modified by Meghalaya)An Act to amend and consolidate the law relating to the maintenance of public order in the Autonomous District specified in Part II of the table appended to paragraph 20 of the Sixth Schedule to the Constitution.WHEREAS it is expedient to amend and consolidate the law relating to the Maintenance of Public Order in the Autonomous District specified in Part II of the table appended to paragraph 20 of the Sixth Schedule to the Constitution;It is hereby enacted as follows :-

1. Short title, extent and commencement

(1)This Act may be called the Meghalaya Maintenance of Public Order (Autonomous District) Act,.(2)It shall extend to all the Autonomous Districts specified in Part II of the table appended to paragraph 20 of the Sixth Schedule to the Constitution;(3)It shall come into force at once.

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

(1)The State Government, if satisfied with respect of any particular persons that with a view to preventing him from acting in any manner prejudicial to the public safety and the 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 persons 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 his movements and report himself in such manner, at such times and to such authority or persons 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 order persons and in respect of his activities in relation to the dissemination of news or propagation of the opinions;(e)prohibiting or restricting the possess or use by him of any such article 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 14, the District Magistrate or that officer 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 or as an alternative to the enforcement of such restrictions 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 place in accordance with the requirements of uueh 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 spirit of the provisions of the 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 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 or orders under section 2.

An order made under sub-section (1) of section 2 shall be in force for 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 6 unless earlier revoked: Provided that the State Government may, if and so often it deems 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 made 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 the such other particulars as are in the opinion of such authority sufficient to enable him to make if he wishes, 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.

5. 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 6 the grounds on which the order has been made and in case such order has been made by an authority or officer subordinate to it the report made by him under sub-section (3) of section 2 and the representation, if any, made by the person concerned.

6. Constitution of Advisory Council

(1) The State Government, whenever necessary shall constitute an Advisory Council consisting of not less than three members, one of whom shall be a person qualified to be a Judge of a 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 the order made under sub-section (1) of section 2. (3) After considering the report of Advisory Council, the State Government may confirm, modify or cancel the order made under sub-section (1) of 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 Secrets Act, 1923.

7. 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 maintenance of public order, or the maintenance of supplies or services necessary to the life of the community, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders or are suppressing material evidence of the commission 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 may consider base 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 inquiry 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 of such 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, 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: 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 the 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; (b) as arrear of land revenue.

8. Control of meetings, 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 processions, meeting of 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.

8A. 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.

8B. Assessment authority

For the purpose of assessment of destruction and loss under section 8A 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 officer as may be directed by the Deputy Commissioner and includes assessment by any authority of the Government prior to the commencement of this Act

8C. 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 8A.

9. Control of camps. Drills or parades.

(1)The State Government may in the interest of public order by an order prohibit, or impose such conditions as may be necessary on the holding of camps or performance of drill or parade with or without arms or any articles, weapon or implement capable of being used as arms by any class of persons 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.

10. Control of use of loudspeakers, etc .

(1)The State Government may, for the purpose of preventing activities, which in their opinion undermine the security of or tend to overthrow the State by general or special order, prohibit, restrict or impose conditions on -(i)The use or operation in any 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 the State Government if it be used or operated in contravention of an order passed under this section.

11. Prevention of prejudicial act.

(1)No person shall, without lawful authority or excuse, do any prejudicial act.(2)If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term,

which may extend to two years or with fine or with both. Explanation:- For the purpose of this section 'prejudicial act' means any act including shouting slogans which is intended or is likely to undermine the security of, or tends to overthrow the State: 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.

12. Powers of photographing etc.

(1) The State Government or any District Magistrate may further direct a person on whom 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 impressions to be taken; and (c) furnish specimens of his hand writing 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.

13. Punishment for carrying or possession of any corrosive substance or liquid

Any person who carried 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 two years or with fine or with both.

13A. Protected places

(1) If as respects 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 precautions 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 the case 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 of 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 and such place. (3) Where in pursuance of sub-section (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission, comply with such order for regulating his conduct as 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 on 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 therefrom by any police officer or by any other person authorized in this behalf by the State Government. (6) If any person contravenes any of any 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.

13B. Protected areas

(1) If the State Government considers it necessary or expedient in the public interest or in the interest of the safety and security of any area to regulate the entry of persons 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 purposes 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 writing granted to him by an authority or persons specified in the said order. (3) Any Police Officer, or any other persons 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 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. (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 by any other person authorized in this behalf by 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 imprisonment for a term which may extend to three years or with fine or with both.

13. C. Any person effects or attempts to effect entry into a 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 precaution to conceal 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."

13D. Forcing or evading a guard

(1) If the State Government considers it necessary or expedient so to do in the public interest or in the interest of the safety and security of any area which is or which is a part of an area declared as

"distributed area" under the Assam Disturbed Areas Act, 1955, the State Government may by order, direct, in respect of any such area to be specified in the order (hereinafter referred to as the said area) that, subject to any exemptions made by the State Government by general or special order(a)all person or any class of persons shall remove themselves or be removed from the said area or to any specified part thereof;(b)all persons or any class of persons in the said area shall remain therein for such period as may be specified;(c)any animal or property or any specified class of animals or property shall be removed from the said area or to any specified part thereof;(d)within specified time any building or other property specified in the order shall be destroyed or rendered useless; and may do any other act involving interference with private rights of property which is necessary for any of the purpose aforesaid.(2)An order made under sub-section (1) for the removal of persons, animals or property may specify(a)the route or routes by which all or any class of persons, animals or property are to remove themselves or be removed from the specified area or to any specified part thereof ;(b)the time or times by which they are to remove themselves or be removed therefrom or to any specified part thereof;(c)the place or places to which they are to proceed or be taken on removing themselves or being removed from the specified area;and may make such other incidental and supplementary provisions as may appear necessary or expedient for the purposes of the said order.(3)If any order made under sub-section (1) is contravened in respect of any animal or property the person in-charge of such animal or property shall be deemed to have contravened the order.(4)If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both]

13E. Special restrictions on residence

If the State Government consider 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, direct that 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 jurisdictiond2

14. Delegation of power and duties of State Government

The State Government may by order direct that any power or duty except that 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 conditions if any as may be specified in that direction be exercised or discharged by an officer not below the rank of a District Magistrate or Additional District Magistrate.

15. 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.

16. Application of other laws not barred d

The provision 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.

17. Powers to arrest without warrant

Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person who is reasonably suspected of having committed or of being about to commit an offence punishable under this Act. Provided that nothing in this Act shall protect a police officer making a malicious arrest.

18. Repeal

(1) The Assam Maintenance of Public Order Act, 1947, as applicable, in the Autonomous Districts specified in part 'A' of the table appended to paragraph 20 of the Sixth Schedule is hereby repealed. (2) All order made, direction given, proceedings commenced or liability incurred under the provisions of the Assam Maintenance of Public Order Act, 1947 shall be deemed to be made, given, commenced or incurred under the respective provisions of this Act, and subsequent actions, if any with regard to any order, direction, proceeding or liability shall be in accordance with the provisions of this Act. (3) Notwithstanding the provisions in sub-section (2) above, no order made, direction given or proceedings commenced under the Assam Maintenance of Public Order Act, 1947, shall be invalid by reason of being inconsistent with any of the provisions of the Act.