

THE PUNJAB SECURITY OF THE STATE ACT, 1953

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THE PUNJAB SECURITY OF THE STATE ACT, 1953.

Punjab Act No. XII of 1953.

16th April, 1953.

[Received the assent of the Governor of Punjab on the 16th April, 1953, and was first published in the Punjab Government Gazette (Extraordinary) of the 16th April, 1953.]

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No.	Year	Short title	Whether repealed by later legislation
XII	1953	The Punjab Security of the State Act, 1953	Amended by Punjab Act No. 6 of 1942 Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act No. 18 of 1958. ¹ Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968

An Act to provide for special measures to prevent activities prejudicial to the security of the State or the maintenance of public order.

It is hereby enacted as follows :—

1. (1) This Act may be called the Punjab Security of the State Act, 1953.

Short title,
extent and
commencement.

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated 19th March, 1951, page 356 ; for proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1953.

²For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1954, dated the 15th February, 1954.

³For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958, page 546—K.

(2) It extends to the whole of the ¹[Union territory of Chandigarh].

(3) It shall come into force at once.

Sabotage.

2. (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 of 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 anything 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 extend to two years or with fine, or with both.

Explanation.—No person shall be deemed to have contravened or attempted to have contravened

¹Substituted for the words "State Government" by the Punjab Reorganisation Act, 1956.
(Adoption of Laws on State of Chandigarh)

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. (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.

Quasi-military
Organisations.

(2) If any person contravenes the provisions of subsection (1), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

4. 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.

Power to prohibit drilling.

5. (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 ¹[Central Government] by notification in the Official Gazette to signify association with any organisation declared unlawful by the Government.

Wearing or display of uniforms, flags etc.

(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.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh)(Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

Power to prohibit meetings and processions.

6. 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.

Power to restrict movements of persons.

7. (1) The ¹[Central Government] or a District Magistrate, if satisfied with respect to 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 such 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 be 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 times and to such 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

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh)(Adaptation of Laws on State and Concurrent Subjects) Order, 1968

(b) one year, if made by the ¹[Central Government].

(4) The ¹[Central 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 ¹[Central 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 ¹[Central 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 ¹[Central 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 ¹[Central 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 ¹[Central 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.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

(9) The ¹[Central 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 ¹[Central Government] or from the person concerned as it may deem necessary, submit its report to the ¹[Central Government] within thirty days from the date on which a representation is placed before it.

(11) After considering the report of the Advisory Council, the ¹[Central Government] may confirm, modify or cancel the restriction order.

(12) All particulars contained in any correspondence between the ¹[Central 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.

²[7-A. Whoever contravenes, disobeys or neglects to comply with any order made or direction given under sections 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.]

Possession or
conveyance of
prescribed do-
cuments.

8. (1) Whoever, without lawful authority :—

(a) has in his possession, or

(b) carries for delivery to another person other-
wise 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.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chan dig arh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968
²Inserted by Punjab Act No. 6 of 1954.

9. 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. (1) The ¹[Central Government] may, by notification in the official Gazette, declare the whole or any part of the State to be a dangerously disturbed area.

Imposition of
collective fines
in dangerously
disturbed areas.

(2) The ¹[Central Government] or the District Magistrate if satisfied that the inhabitants of any dangerously disturbed area—

(a) are concerned in the commission of offences or other acts which are prejudicial to the security of the State or the maintenance of law and order,

(b) have been harbouring persons concerned in the commission of such offences or acts,
may impose a collective fine on the inhabitants of that area.

(3) An order made by the District Magistrate under sub-section (2) shall be reported forthwith by him through the Commissioner of the Division to the ¹[Central Government] and the ¹[Central Government] may there upon amend, vary or rescind such order.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

(4) The authority imposing the fine under sub-section (2) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(5) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (2) among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(6) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

of search.

11. The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall 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, is being, 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 of any warrant issued and to the disposal of any property seized under this section.

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and

12. Notwithstanding anything contained in the Code of Criminal Procedure, 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. (1) No suit, prosecution or other legal proceeding 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.

Protection of
action taken
under this Act.

(2) No suit or other legal proceedings shall lie against the ¹[Central Government] or except with the sanction of the ¹[Central 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. The Punjab Security of the State Act, 1951 (President's Act No. 1 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.

Repeal and savings.

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 departments or services ;

¹Substituted for the words " State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

- (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.