

**THE PUNJAB PUBLIC SAFETY (AMENDMENT)
ACT, 1951**

(Received the assent of His Excellency the Governor-General on the 2nd February 1951, and was first published in the Punjab Gazette (Extraordinary) of the 10th February 1951)

PUNJAB ACT, IX OF 1951

An Act further to amend the Punjab Public Safety Act, 1949.

WHEREAS it is expedient further to amend the Punjab Public Safety Act, 1949; Preamble

AND WHEREAS the Governor of the Punjab has, in pursuance of a proclamation issued by the Governor-General of Pakistan under section 92-A of the Government of India Act, 1935, assumed, on behalf of the Governor-General, all powers vested in or exercisable by the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed the Governor is hereby pleased to enact as follows:—

1. (1) This Act may be called the Punjab Public Safety (Amendment) Act, 1951. Short title and commencement

(2) It shall come into force at once.

2. For section 3 of the Punjab Public Safety Act, 1949 (hereafter referred to as the said Act) the following Amendment of section 3 shall be substituted, namely:—

“3 (1) The Government, if satisfied that with a view to preventing any person from acting in any manner prejudicial to public safety or the maintenance of public order, it is necessary so to do, may by an order in writing direct the arrest and detention in such custody, as may be prescribed under subsection (9), of such person for such period as may, subject to the other provisions of this section, be specified in the order, and the Government, if satisfied that for the aforesaid reasons it is necessary so to do, may subject to the other provisions of this

The Punjab Public Safety (Amendment) Act, 1951 [ACT IX

section, extend from time to time the period of such detention.

- (2) If a District Magistrate or any other servant of the Crown authorised in this behalf by general or special order of the Government, has reasons to believe that any person within his territorial jurisdiction has acted, is acting or is about to act in a manner prejudicial to public safety or the maintenance of public order, he shall forthwith refer the matter to the Government for orders ;

Provided that if the District Magistrate or the other servant of the Crown, as the case may be, while making such a reference, or at any time thereafter but before the receipt of the order of the Government on the reference made to it, is satisfied that with a view to preventing such person from acting in any manner prejudicial to public safety or the maintenance of public order, it is necessary so to do, pending the decision of the Government on the reference made to it, he may order the arrest of the aforesaid person and direct him to be detained in such custody as may be prescribed under subsection (9) for a period not exceeding 15 days, and shall report the matter to the Government without avoidable delay.

- (3) (i) An order of arrest under subsection (1) or subsection (2) may be addressed to a Police Officer or any other person and such officer or person shall have the power to arrest the person mentioned in the order and in doing so he may use such force as may be necessary. The Police Officer or the other person, as the case may be, shall commit the arrested person to such custody as may be prescribed under subsection (9).
- (ii) A Police Officer not below the rank of Sub-Inspector, if satisfied on receipt of credible information that a person against whom an

order

order of arrest or of arrest and detention has been made under this section is present within such officer's jurisdiction, may arrest him without a warrant in the same manner as he would have done if such order of arrest had been addressed to him:

Provided that before taking action under this clause the Police Officer shall record in the *roznamcha* at his police station a report about his having received such information, and if he is not in charge of a police station, or the information is received by him when he is not at his police station he shall prepare a note about it and transmit such note to the nearest police station, where on its receipt a report shall be forthwith recorded in the *roznamcha*.

- (4) On receipt of a reference under subsection (2) the Government may,—
- (a) reject the reference, and order the release of the aforesaid person in case he has been arrested and detained under the proviso to subsection (2); or
 - (b) make an order of arrest and detention in terms of subsection (1), and where the aforesaid person has been arrested and detained under the proviso to subsection (2) the Government may extend the said detention for such period as it may, subject to the other provisions of this section, deem necessary.
- (5) No order of detention or of extension of detention under this section shall be passed for a period of more than six months at a time.
- (6) (i) Where an order of detention or as the case may be of extension of detention is passed under subsection (1) or subsection (4) for a period exceeding one month, the Government shall, within one month of the commencement of such detention, place before a Sessions Judge a statement of the allegations

allegations against the person under detention, along with all the material facts and circumstances in the possession of the Government on which the order has been based or which are relevant to the enquiry as well as any facts and circumstances relating to the case as may have subsequently come into the possession of the Government, and the said Judge shall after considering all such allegations, material facts and circumstances, report to the Government whether in his opinion there is sufficient cause for the order.

(ii) On receipt of the report of the Sessions Judge the Government shall consider the same and shall pass such order thereon as appears to the Government to be just and proper.

(iii) Notwithstanding anything contained in any law for the time being in force a person whose case has been referred to a Sessions Judge under this subsection shall not be heard in person or otherwise during the proceedings under clause (i) above, or be allowed to inspect the record placed before the Judge or the record of the proceedings held and the report made by him, or be supplied with a copy of such record, proceedings or report, and such record, proceedings, and report shall be confidential and shall be deemed to be information and documents within the meaning of section 5 of the Official Secrets Act, 1923.

(iv) The proceedings and the report of the Judge shall not be called in question in any proceedings before any court or otherwise.

(7) No legal practitioner shall appear in any proceedings under this section to represent the person against whom the proceedings are held.

(8) Where the report of the Sessions Judge under subsection (6) is not received before the expiry of the period of detention during the currency of which the reference was made,

or

or where though the report is received, Government has not yet passed a final order thereon, Government may notwithstanding anything to the contrary contained in this section from time to time extend the period of detention till such time as the report is received and Government is able to pass a final order thereon or as the case may be, the Government has passed a final order.

- (9) So long as there is in force in respect of any person an order under this section directing that he be detained, he shall be liable to be detained in such custody and under such conditions as to maintenance, discipline and punishment for offences and breaches of discipline as the Government may from time to time prescribe by general or special order.
- (10) If the Government or a District Magistrate has reason to believe that a person in respect of whom an order of arrest and detention has been passed under this section has absconded or is concealing himself so that such order cannot be executed, the Government or the District Magistrate, as the case may be, may,—
- (a) forward a copy of the order, with a declaration that such person cannot be found, 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 shall apply in respect of the said person and his property as if the order directing that he be arrested and detained 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

The Punjab Public Safety (Amendment) Act, 1951 [ACT IX OF 1951]

that he had within the period specified in the order, informed the officer concerned of the reasons which rendered compliance therewith impossible and of his whereabouts or taken all possible steps to give such information, be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(11) The Government may at any time release a person detained under this section.

(12) The District Magistrate or any servant of the Crown, referred to under subsection (2), may summon and interrogate or cause the summoning and interrogation of any person, including a person arrested or detained under this section, if in his opinion such interrogation is likely to lead to the discovery of information which may enable the more effective exercise of powers under this Act, whether in respect of the person interrogated or any other person, and the person interrogated under this subsection shall be bound to answer truthfully all questions pertaining to the subject of the enquiry."

3. After section 3 of the said Act the following new section shall be inserted, namely,—

"3-A. The provisions of section 3 of this Act shall apply to every person who is in detention on or after the date on which the Punjab Public Safety (Amendment) Act, 1951, comes into force, by virtue of an order under section 3 of the Punjab Public Safety Act, 1949, as if his order of detention or as the case may be, extension of detention had been made under and in compliance with the requirements of section 3 of this Act."

Application of section 3 to all detentions.