

ASSAM ACT XVIII OF 1949

THE ASSAM MAINTENANCE OF PUBLIC ORDER
(SECOND AMENDMENT) ACT, 1949

(Passed by the Assembly)

(Received the assent of the Governor General on
the 26th December, 1949.)

[Published in the *Assam Gazette* of the 4th January, 1950.]

An

Act further to amend the *Assam Maintenance of Public Order
Act, 1947*

Preamble

WHEREAS it is expedient further to amend the Assam Maintenance of Public Order Act, 1947, hereinafter called the principal Act, in the manner hereinafter appearing ;

Assam Act
V of 1947.

Short title,
commence-
ment and
extent.

It is hereby enacted as follows:—

1. (1) This Act may be called the Assam Maintenance of Public Order (Second Amendment) Act, 1949.

(2) It shall come into force at once.

(3) It extends to the whole of Assam.

Insertion of
new section
in Assam
Act V of
1947.

2. After section 8A of the principal Act, the following sections shall be inserted, namely:—

Punishment
for repro-
ducing or
publishing
statements,
etc., by per-
sons against
whom order
of detention
or restric-
tion has
been made.

“8B. (1) An order made in respect of any person under clause (a) or clause (e) of sub-section (1) of section 2 may be notified by the Provincial Government in the official Gazette. If any order is so notified, any subsequent order made in respect of the said person under section 3 or 4 shall also be notified in the official Gazette.

(2) When any order made under clause (a) or clause (e) of sub-section (1) of section 2 and notified under sub-section (1) of this section is in force either as originally made or modified, whoever prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any document consisting of or containing—

(a) any statement, oral or written, or any sketch or cartoon, made, by or purporting to be made by, or at the instance or on behalf of, the person for whose detention the order has been made under clause (a) of sub-section (1) of section 2,

(b) any statement, oral or written, or any sketch or cartoon made by or purporting to be made by, or at the instance or on behalf of, the person, in contravention of

Price 1 anna or 1d.

the order made against him under clause (e) of sub-section (1) of section 2,

(c) any rendering part or summary of any statement referred to in clause (a) or clause (b) or the purport of any such statement, part or summary, or

(d) any translation of any such statement or part or summary thereof into any other language, or any rendering, summary or purport of any such statement or part, in any other language,

shall, on conviction, be punished with imprisonment for a term which may extend to two years or fine or with both.

(3) The Provincial Government may, by notification in the official Gazette, declare every copy of any document, which in its opinion, is of the description specified in sub-section (2) to be forfeited to His Majesty.

(4) If copies of any documents are declared to be forfeited to His Majesty under sub-section (3) any Police Officer may seize the same wherever found in the Province, and any Magistrate may by warrant, authorise any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such document may be or may reasonably be suspected to be.

Explanation.—Nothing in this section applies to the evidence given by any witness or to pleader or counsel in the course of any proceedings conducted in respect of any such offence or to reproduction by any officer or authority in course of official duty.

Control of
use of loud-
speakers,
megapho-
nes, etc.

“8C. (1) The Provincial Government may, for the purpose of securing or maintaining public safety, public order, or preventing or suppressing activities which in the opinion of the Provincial Government are subversive of law and order, 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 loud-speaker ; 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 His Majesty if it be used or operated in contravention of an order passed under this section.

Prevention
of prejudi-
cial act and
report.

“8D. (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 report 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 Provincial Government, or

(iii) as a proof intended for submission to the Provincial Government or to a person or authority designated by the Provincial 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 Provincial Government.

Explanation.—For the purpose of this section—

(a) “prejudicial act” means any act, including shouting slogans, which is intended or is likely—

(i) to endanger the safety or stability of the State ;

(ii) to bring into hatred or contempt or to excite disaffection towards the Government established by law in India ;

(iii) to promote feelings of enmity or hatred between different classes of subjects ;

(b) “prejudicial report” means any report, statement, utterance or visible representation, which is, or the publishing of which is, an incitement to the commission of a prejudicial act :

Provided that *bona fide* 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 endanger the safety or stability of the State.

Power of
photograph-
ing, etc.

"8E. (1) The Provincial 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-impressions 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.

Punishment
for carrying
or possessing
any corro-
sive sub-
stance or
liquid.

"8F. 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 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."

Amendment
of section
12 of the
principal
Act.

3. In section 12 of the principal Act after the words "having committed", the words "or of being about to commit or is likely to commit" shall be added.