

(b) unless permission to hold such meeting has been obtained in writing from the District Magistrate or the Commissioner of Police, as the case may be.

(2) The District Magistrate or any Magistrate of the first class authorized by the District Magistrate in this behalf may, by order in writing, depute one or more police-officers, not being below the rank of head constable, or other persons, to attend any such meeting for the purpose of causing a report to be taken of the proceedings. Power of Magistrate to cause report to be taken.

(3) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority, or to any public meetings or class of public meetings exempted for that purpose by the President of the Union by general or special order. Exception.

5. The District Magistrate or the Commissioner of Police, as the case may be, may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity. Power to prohibit public meetings.

6. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 4 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both. Penalties.

(2) Any public meeting which has been prohibited under section 5 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Penal Code and of Chapter IX of the Code of Criminal Procedure.

7. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from, the provisions of section 4, without the permission in writing of the District Magistrate or of the Commissioner of Police, as the case may be, previously obtained, delivers any lecture, address or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant, and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both. Penalty for delivery of speeches in public places.

8. No Court inferior to that of a Magistrate of the first class or Subdivisional Magistrate shall try any offence against this Act. Cognizance of offences.

THE UNLAWFUL ASSOCIATIONS ACT.

[INDIA ACT XIV, 1908.] (11th December, 1908.)

1-14. * * * *

PART II.

UNLAWFUL ASSOCIATIONS.

15. In this Part—

Definitions.

- (1) "association" means any combination or body of persons, whether the same be known by any distinctive name or not; and
- (2) "unlawful association" means an association—
 - (a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or
 - (b) which has been declared to be unlawful by the President of the Union under the powers hereby conferred.

Power to
declare
association
unlawful.

16. If the President of the Union is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the President of the Union may, by notification in the Gazette, declare such association to be unlawful.

Penalties.

17. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term [which shall not be less than two years and more than three years and shall also be liable to fine] ¹.

(2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term [which shall not be less than three years and more than five years and shall also be liable to fine] ¹

(3) * * * *

Power to
notify and
take possession
of places
used for the
purposes of
an unlawful
association.

17A. (1) The President of the Union may, by notification in the Gazette, notify any place which in his opinion is used for the purposes of an unlawful association.

Explanation.—For the purposes of this section "place" includes a house or building, or part thereof, or a tent or vessel.

(2) The District Magistrate, or any officer authorized in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking possession to the President of the Union :

Provided that where such place contains any apartment occupied by women or children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (1) in respect thereof remains in force.

Movable
property
found in a
notified
place.

17B. (1) The District Magistrate, or officer taking possession of a notified place, shall also take possession of all movable property found therein and shall make a list thereof in the presence of two respectable witnesses.

(2) If, in the opinion of the District Magistrate, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the provisions hereafter contained in this section to order such articles to be forfeited to the State.

(3) All other articles specified in the list shall be delivered to the person whom he considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as the District Magistrate may direct.

(4) The District Magistrate shall publish, as nearly as may be in the manner provided in section 87 of the Code of Criminal Procedure for the publication of a proclamation, a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article.

¹ Substituted by Act LXI, 1954.

² Deleted *ibid*.

(5) Where any such representation is accepted by the District Magistrate, he shall deal with the article concerned in accordance with the provisions of sub-section (3).

(6) Where any such representation is rejected, the representation, with the decision thereon, shall be forwarded to the District Judge, in the case of a decision by a District Magistrate, and no order of forfeiture shall be made until the District Judge has adjudicated upon the representation. Where the decision is not confirmed the articles shall be dealt with in accordance with the provisions of sub-section (3).

(7) In making an adjudication under sub-section (6) the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure for the investigation of claims, so far as it can be made to apply, and the decision of the District Judge shall be final.

(8) If the article seized is livestock or is of a perishable nature, the District Magistrate may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

17C. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorized by him in this behalf, shall be deemed to commit criminal trespass. Trespass upon notified places.

17D. Before a notification under sub-section (1) of section 17A is cancelled, the President of the Union shall give such general or special directions as he may deem requisite regulating the relinquishment of property. The relinquishment of property.

17E. (1) Where the President of the Union is satisfied, after such inquiry as he may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the President of the Union may, by order in writing, declare such monies, securities or credits to be forfeited to the State. Power to forfeit funds of an unlawful association.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the President of the Union :

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the President of the Union may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Before an order of forfeiture is made under sub-section (1) the President of the Union shall give written notice to the person (if any) in whose custody the monies, securities or credits are found of his intention to forfeit, and any person aggrieved thereby may within fifteen days from the issue of such notice file an application to the District Judge in a District to establish that the monies, securities or credits or any of them are not liable to forfeiture, and if any such application is made, no order of forfeiture shall be passed in respect of the monies, securities or credits concerned until such application has been disposed of, and unless the District Judge has decided that the monies, securities or credits are liable to forfeiture.

(4) In disposing of an application under sub-section (3) the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure for the investigation of claims, so far as it can be made to apply, and the decision of the District Judge shall be final.

(5) Where the President of the Union has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the President of the Union may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the President of the Union. A copy of such order shall be served upon the person to whom it is directed.

(6) The President of the Union may endorse a copy of an order under sub-section (3) for investigation to any officer he may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(7) A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business.

(8) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited to the order of the President of the Union.

(9) Where any person liable under this section to pay or deliver any monies, securities or credits to the order of the President of the Union refuses or fails to comply with any direction of the President of the Union in this behalf, the President of the Union may recover from such person, as arrears of land-revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(10) In this section, "security" includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the President of the Union in this behalf.

(11) Except so far as is necessary for the purposes of any proceeding under this section, no information obtained in the course of any investigation made under sub-section (6) shall be divulged by any officer of Government without the consent of the President of the Union.

Jurisdiction
barred.

17F. Every report of the taking possession of property and every declaration of forfeiture made, or purporting to be made under this Act shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and save as provided in sections 17B and 17E no proceeding purporting to be taken under section 17A, 17B, 17C, 17D, or 17E, shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything

in good faith done or intended to be done under the said sections or against Government or person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Act.

18. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof. Continuance of association.

THE PICKETING ACT.¹

[INDIA ACT XXIII, 1932.] (19th December, 1932.)

پاکستان کے لیے ترمیمی اور ترمیمی کے ساتھ ساتھ اس قانون کو اپنی اصل صورت میں برقرار رکھنا۔

1. The President of the Union may, by notification, direct that section 7 shall come into force in any area on such date as may be specified in the notification. Application.

2-6. * * *

7. (1) Whoever—

- (a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof, or
- (b) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

Molesting a person to prejudice of employment or business.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—Encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section, is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police-officer not below the rank of officer in charge of a police-station.

8. * * *

9. Notwithstanding anything contained in the Code of Criminal Procedure,—

- (i) no Court inferior to that of a Magistrate of the first class shall try any offence under this Act ;
- (ii) an offence punishable under section [* * *]¹ 7 shall be cognizable by the police ;
- (iii) * * *
- (iv) an offence punishable under section 7 shall be non-bailable.

Procedure in offence under the Act.

¹ The amendments made by this Act in the Press (Emergency Powers) Act and the Unlawful Associations Act have been inserted in their appropriate places.
² Deleted by Act II, 1945.