

The 4th June 1960

No.LJL.8/60.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

(Received the assent of the Governor on the 31st May 1960)

ASSAM ACT No.XXII OF 1960

THE ASSAM MAINTENANCE OF PUBLIC
ORDER (AMENDMENT) ACT, 1960

(As passed by the Assembly)

[Published in the *Assam Gazette*, Extraordinary, dated the 4th June 1960]

An

Act

furth^r to amend the Assam Maintenance of Public Order Act, 1947 and to amend the Assam Maintenance of Public Order (Autonomous Districts) Act, 1953.

Preamble

WHEREAS it is expedient in the interest of public Assam Act order to further amend the Assam Maintenance of V of 1947. Public Order Act, 1947 and to amend the Assam Assam Act Maintenance of Public Order (Autonomous Districts) XVI of Act, 1953, for the purposes and in the manner herein- 1953. after appearing ;

It is hereby enacted in the Eleventh Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Maintenance of Public Order (Amendment) Act, 1960.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Insertion of
new sections
in Assam Act
V of 1947.

2. After section 8D of the Assam Maintenance of Public Order Act, 1947, the following sections shall be inserted, namely:—

“Protected
places.

8E. (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 unauthorised 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 authorised by the State Government in this behalf or of the district Magistrate or of the Subdivisional Magistrate having jurisdiction, enter, or be on or in or pass over, any protected place and no person shall loiter in the vicinity of any 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 orders for regulating his conduct as may be given by the authority which granted the permission.

(4) Any Police Officer, or any other person authorised 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 authorised in this behalf by the State Government.

(6) If any person contravenes any of the 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.

Protected areas.

8F. (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 except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) Any police officer, or any other person authorised 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 authorised in this behalf by the State Government.

(5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with the imprisonment for a term which may extend to three years or with fine or with both.

Forcing or evading a guard.

8G. Any person who effects or attempts to effect entry into a protected 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 precautions 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."

Insertion of new sections in Assam Act XVI of 1953.

3. After section 13 of the Assam Maintenance of Public Order (Autonomous Districts) Act, 1953, the following sections shall be inserted namely:—

"Protected places.

13A. (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 unauthorised 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 authorised by the State Government in this behalf or of the District Magistrate or of the Subdivisional Magistrate having jurisdiction, enter, or be on or in or pass over, any protected place and no person shall loiter in the vicinity of any 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 orders for regulating his conduct as may be given by the authority which granted the permission.

(4) Any police officer, or any other person authorised 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 authorised in this behalf by the State Government.

(6) If any person contravenes any of the 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.

Protected
areas.

13 B. (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 except in accordance with the terms of a permit in writing granted to him by an authority or persons specified in the said order.

(3) Any Police Officer, or any other person authorised 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 authorised in this behalf by the State Government.

(5) If any person is in a protected area in contravention of any of the 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.

Forcing or 13C. Any person who effects or attempts to effect
 evading a entry into a protected place or protected area—
 guard.

- (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 precautions 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."

B. C. BARUA,
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