

ACT No. XI OF 1934.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 20th
April, 1934.)

An Act to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to obstruct such Administrations.

WHEREAS it is expedient to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to obstruct such Administrations; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian States (Protection) Act, 1934.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) This section and sections 2 and 3 shall come into force at once; the remaining sections of this Act shall come into force in any district or area only when and for such time as the Local Government, by notification in the local official Gazette, directs.

2. Whoever, within or without British India, conspires to overawe, by means of criminal force or the show of criminal force, the Administration of any State in India, shall be punished with imprisonment which may extend to seven years, to which fine may be added.

Conspiracy
to overawe
Administra-
tion of a
State in
India.

3. The

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Application
of Act XXIII
of 1931.

3. The Indian Press (Emergency Powers) Act, 1931, as amended by the Criminal Law Amendment Act, 1932, shall be interpreted—

XXIII of
1931.
XXIII of
1932.

(a) as if in sub-section (I) of section 4 of the Act, after clause (i) the following word and clause were inserted, namely:—

“or

(j) to bring into hatred or contempt or to excite disaffection towards the Administration established in any State in India”;

(b) as if in Explanation 2 and Explanation 3 to the said sub-section, after the word “Government” the words “or Administration”, and after the letter and brackets “(d)” the words, letter and brackets “or clause (j)” were inserted; and

(c) as if after Explanation 4 to the said sub-section the following Explanation were inserted, namely:—

“Explanation 5.—Statements of fact made without malicious intention and without attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (j) of this sub-section.”

and any power which might, by reason of such insertions but not otherwise, be exercised by the Local Government under that Act if so altered, may also be exercised by the Governor General in Council; and for the purpose of the exercise by the Governor General in Council of such powers, the Act shall be interpreted as if references to the Local Government were references to the Governor General in Council and as if to sub-section (I) of section 23 the following proviso were added, namely:—

“Provided that an application under this section against an order made by the Governor General in Council under any of the sections therein specified except section 19 shall lie to the High Court for the local area in which any security required under this Act from the printing press or newspaper concerned was deposited or to be deposited.”

Power to
prohibit
assemblies.

4. (1) When a District Magistrate or in a Presidency-town the Chief Presidency Magistrate is of opinion that within his

jurisdiction

of 1934.]

Indian States (Protection):

jurisdiction attempts are being made to promote assemblies of persons for the purpose of proceeding from British India into the territory of a State in India and that the entry of such persons into the said territory or their presence therein is likely or will tend to cause obstruction to the Administration of the said State or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said territory, he may, by order in writing stating the material facts of the case, prohibit within the area specified in the order the assembly of five or more persons in furtherance of the said purpose.

(2) When an order under sub-section (1) has been made, and for so long as it remains in force, any assembly of five or more persons held in contravention of the order shall be an unlawful assembly within the meaning of section 141 of the Indian Penal Code, and the provisions of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898, shall apply accordingly.

(3) An order under sub-section (1) shall be notified by proclamation, published in the specified area in such places and in such manner as the Magistrate may think fit, and a copy of such order shall be forwarded to the Local Government.

(4) No order under sub-section (1) shall remain in force for more than two months from the making thereof, unless the Local Government, by notification in the local official Gazette, otherwise directs.

5. (1) Where, in the opinion of a District Magistrate or in a Presidency-town the Chief Presidency Magistrate, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by written order stating the material facts of the case and served in the manner provided by section 134 of the Code of Criminal Procedure, 1898, direct any person to abstain from a certain act if such Magistrate considers that such direction is likely to prevent or tends to prevent obstruction to the Administration of a State in India or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said State.

Power to issue directions prohibiting certain acts.

(2) An order under sub-section (1) may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex-parte*.

(3) An order under sub-section (1) may be directed to a particular individual, or to the public generally.

(4) A District

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(4) A District Magistrate or Presidency Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under sub-section (1) by himself or by his predecessor in office.

(5) Where such an application is received, the Magistrate shall afford to the applicant an early opportunity of appearing before him either in person or by pleader and showing cause against the order; and if the Magistrate rejects the application wholly or in part, he shall record in writing his reasons for so doing.

(6) No order under sub-section (1) shall remain in force for more than two months from the making thereof unless the Local Government, by notification in the local official Gazette, otherwise directs.

Penalty for
disobeying
order under
section 5.

6. (1) Whoever wilfully disobeys or neglects to comply with any direction contained in an order made under sub-section (1) of section 5, or in such order as altered under sub-section (4) of that section, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) An offence under this section shall be an offence for which a police-officer may arrest without warrant.

Cognizance of
offences
under
section 2 by
Courts.

7. No Court shall take cognizance of any offence punishable under section 2 unless upon complaint made by order of, or under authority from the Governor General in Council or the Local Government.

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