

**TEXT OF THE INDIAN STATES
(Protection) BILL.**

A Bill 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 interfere with 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 interfere with such Administrations; It is hereby enacted as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Indian States (Protection) Act, 1933.

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

(3) This section and sections 2, 3 and 4 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. After section 15 of the Indian Penal Code* the following section shall be inserted, namely—

Insertion of new section 15A in Act XLV of 1860.

"15A. The word 'India' denotes British India, together with the territories of any Indian Prince or Chief under the suzerainty of the Queen exercised through the Governor-General of

*Section 15 of the Indian Penal Code is as follows:—
"The words 'British India' denote the territories which are or may become vested in Her Majesty by the said Statute 21 and 22 Victoria, c. 106, entitled An Act for the Better Government of India."

India or through any Governor or other officer subordinate to the Governor-General of India."

3. In section 121A of the Indian Penal Code, after the words "or any Local Government," the words "or the Administration of any State in India" shall be inserted.†

Amendment of section 121 A, Act XLV of 1860.

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

Application of Act XXIII of 1931.

(a) as if in sub-section (1) 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," and

(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

† When the change proposed here is effected section 121 A of the Indian Penal Code will read as follows:—

"Whoever, within or without British India, conspires to commit any of the offences punishable by section 124, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government [or the Administration of any State in India], shall be punished with transportation for life or any shorter time, or with imprisonment of either description which may extend to ten years.

"Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof."

§

and brackets "(d)" the words, letter and bracket "or clause (j)" were inserted;§ and any power which might, by reason of such insertions but not

§ The relevant portion of Section 4 (1) of the Indian Press (Emergency Powers) Act will, under the proposed change, read as follows:—

"Whenever it appears to the Local Government that any printing-press in respect of which any security has been ordered to be deposited under section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which ... tend, directly or indirectly, ... [(j) to bring into hatred or contempt or to excite disaffection towards the Administration established in any State in India]; the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above,—

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to His Majesty, or

(ii) where security has not been deposited, declare the press to be forfeited to His Majesty,

and may also declare all copies of such newspaper, book or other document wherever found in British India to be forfeited to His Majesty ...

" *Explanation 2.*—Comments expressing disapprobation of the measures of the Government [or Administration] with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) [or clause (j)] of this sub-section.

" *Explanation 3.*—Comments expressing disapprobation of the administrative or other action of the Government [or Administration] without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) [or clause (j)] of this sub-section."

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 enabling the Governor-General in Council to exercise such powers, the Act shall be interpreted as if references to the Local Government were references to the Governor-General in Council.

5. (1) When a District Magistrate or Presidency Magistrate is of opinion that there is in his jurisdiction a movement for the promotion of 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 interference with 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 movement.

(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.

6. (1) Where, in the opinion of a District Magistrate or Presidency Magistrate, there is sufficient ground for proceeding under this section 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 interference with 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.

(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 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

† Section 134 of the Code of Criminal Procedure is as follows:—

“(1) The order shall, if practicable, be served on the person against whom it is made, in manner herein provided for service of a summons.

“(2) If such order cannot be served, it shall be notified by proclamation, published in such manner as the Local Government may by rule direct, and a copy thereof shall be stuck up at such place or places, as may be fittest for conveying the information to such person.”

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.

7. (1) Whoever disobeys or neglects to comply with any direction contained in an order made under sub-section (1) of section 6, 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.

STATEMENT OF OBJECTS AND REASONS.

Experience in recent years has shown that the ordinary law is not adequate to afford States in India the protection they may reasonably expect against activities which may be carried on in British India with the object of subverting, or exciting disaffection towards, or interfering with the administration of such States. The forthcoming constitutional changes, moreover, make it desirable that the authorities in British India should have power to protect units of the Federation from agitation directed against them from British India. Such agitation may involve (a) attacks in the press, (b) the organization of activities directed against State authority, and (c) the organization of movements for the entry into a State of bodies of persons from British India. It is considered that the administration of the States which are under the suzerainty of the Crown should be given protection against such activities and the Bill has been prepared with that general object.

SIMLA:
The 22nd August 1933. }

H. G. HAIG

**THE INDIAN STATES (Protection Against
Disaffection) ACT, 1922.**

(12th March, 1923.)

An Act to prevent the dissemination by means of books, newspapers and other documents of matter calculated to bring into hatred or contempt, or to excite disaffection against, Princes or Chiefs of States in India or the Governments of Administrations established in such States.

WHEREAS it is expedient to prevent the dissemination by means of books, newspapers and other documents of matter calculated to bring into hatred or contempt, or to excite disaffection against, Princes or Chiefs of States in India or the Governments or Administrations established in such States; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian States (Protection against Disaffection) Act, 1922.
 Short title and extent, (2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. In this Act, unless there is anything repugnant in the subject of context,—
 Definitions.

- (a) "book" and "newspaper" have the meanings respectively assigned to them by the Press and Registration of Books Act, 1867;
- (b) "disaffection" includes disloyalty and all feelings of enmity; and
- (c) "document" includes any painting, drawing, photograph or other visible representation.

3. (1) Whoever edits, prints or publishes, or is the author of, any book, newspaper or other document which brings or is intended to bring into hatred or contempt, or excites or intended to excite disaffection towards, any Prince or Chief of a State in India or the Government or Administration established in any such State, shall be punishable with imprisonment which may extend to five years, or with fine, or with both,
 Penalty.

(2) No person shall be deemed to commit an offence under this section in respect of any book, newspaper or other document which, without exciting or being intended to excite hatred, contempt or disaffection, contains comments expressing disapprobation of the measures of any such Prince, Chief, Government or Administration as aforesaid with a view to obtain their alteration by lawful means or disapprobation of the administrative or other action of any such Prince, Chief, Government or Administration.

4. The provisions of sections 99A to 99G of the Code of Criminal Procedure, 1898, and of sections 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter in respect of which any person is punishable under section 3 in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections.

5. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall proceed to the trial of any offence under section 3, and no Court shall proceed to the trial of any offence under authority from the Governor General in Council.

The Indian States (Protection) Bill,

Mr. President (The Honourable Sir Shanmukham Chetty), Has the Honourable the Home Member got to make any statement with regard to the suggestion made yesterday by Sir Cowasji Jehangir?

The Honourable Sir Harry Haig (Home Member): At the end of our proceedings yesterday, my Honourable friend, the Leader of the Independent Party, speaking on behalf of that side of the House, said that he was prepared to accept the amendment for circulation of this Bill by 7th January 1934; and he appealed to the Government, if they were also prepared to accept it, to announce their decision at once, so that we could save time and close the debate. Well, Sir, the object of Government, as I have already explained, is that the House should take a final decision on this Bill not later than the end of the next Budget Session. After going into the details we have thought that that result can be achieved by the method proposed by my Honourable friend the Leader of the Independent Party. We have no objection to criticism and to the fullest examination of the provisions of this Bill. (Hear, hear). We propose that the motion for Select Committee should be taken up after receipt of the opinions at the very beginning of the January Session and I hope we might expect perhaps that Honourable Members who have already made speeches will not at any rate repeat the same remarks on that occasion. (Laughter) I should be very glad to set an example myself. The Government are, therefore, prepared to accept the amendment for circulation. (Applause).

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair takes it that in view of what the Honourable the Home Member has said on behalf of Government it is the desire of the House generally to close the debate now.

Several Honourable Members : Yes.

Sardar Harban Singh Brar (East Punjab : Sikh) : I quite agree that the debate should be closed, but my remarks yester-

day had been misunderstood in some quarters and I just want to speak for a minute or two to clear up that misunderstanding. Yesterday I was developing my argument regarding the paramountcy and that the function of protecting a State from external aggression as well as from internal commotion was resting with the Paramount Power and that the Paramount Power was asking us to share the responsibility regarding the protection of the Indian States in one manner and not in the other. I had not completed my arguments, but my remarks have been misunderstood in some quarters as would appear from the reports appearing in this morning's newspapers in Delhi and other places. It has been understood that I was opposing the Princes and their cause. I was simply attacking the Government regarding their desire to ask us to share with them the responsibility of the functions of paramountcy in one direction and not in the other. I meant no reflection on any Indian State, nor on any Prince, nor on their Governments, and much less against my esteemed friend, His Highness the present Chancellor of the Chamber of Princes. I do not desire in any way to lengthen the debate, but I simply wanted to make these remarks to clear the misunderstanding and, I hope, the Press would clear it in the way that I have explained it just now. Yesterday I had not developed my argument and, unless I had done so, the Press had no right to conclude that I meant any reflection on anybody and that I was against the Princes.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural):
Sir, I want to say one word.....

Mr. President (The Honourable Sir Shanmukham Chetty):
What is meant by saying one word? Does the Honourable Member want to make a personal explanation?

Mr. Lalchand Navalrai: I want to say a word with regard to the statement made by the Home Member about circulation.

Mr. President (The Honourable Sir Shanmukham Chetty):
The Chair understood that it was the general desire of the House to close the debate, Government have accepted the motion for circulation.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran:
Non-Muhammadan) Cannot an Honourable Member oppose the motion for circulation?

Mr. President (The Honourable Sir Shanmukham Chetty):
Is it the desire of the House that the debate should be continued?

Several Honourable Members: No, no.

Mr. Lalchand Navalrai: I am not advancing anything as regards the debate. I am only making a suggestion with regard to the motion for circulation; if you permit, I will make that suggestion.

Mr. President (The Honourable Sir Shanmukham Chetty):
The question is that the question be now put.

(Mr. President, by gathering the voices, declared that the "Ayes" had it, when a division was asked for by Mr. Gaya Prasad Singh.)

(When the division bell was ringing)

Mr. B. R. Puri (West Panjab: Non-Muhammadan): On a point of order, may I make a submission?

Mr. President (The Honourable Sir Shanmukham Chetty):
There cannot be a point of order when the division is on.

The Assembly divided: "Ayes" 57; "Noes" 9.

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty):
The question is:

"That the Bill 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 interfere with such Administrations, be circulated for the purpose of eliciting opinion thereon by the 7th January 1934."

The Assembly divided: "Ayes" 66; "Noes" 7.