

RARE SECTION

HYDERABAD'S

CONSTITUTIONAL

PROBLEMS

V 225 : 2. V 3

BY

Syed Mohamed Ahsan

AND

Mir Hasnuddin

WITH A FOREWORD

BY

Rai Madan Mohan Lal, B.A., LL.B.,

High Court Pleader.

1. *For review
and
criticism*

Foreword.

My friends, Ahsan and Hāsnuddin, have contributed two very thought-provoking articles on a subject which requires close attention in Hyderabad. I deem it a great privilege to be asked to write a foreword to this brochure.

With the rest of India, Hyderabad is also craving for freedom. If paramountcy is restricted to foreign affairs and the general defence of India, Hyderabad, as a political unit, would attain the freedom to which she is entitled.

The question, as to how Hyderabad would utilise the freedom that she would thus gain, is a matter entirely for Hyderabadies to decide. Imperialism has no constitutional right to suggest that British intervention or supervision would not cease, unless a particular form of Government is establishing in Hyderabad.

If the kind of Government obtaining in any province or state were the determining factor in persuading British Imperialism to loosen its clutches in that particular area, then H. E. H. the Nizam's Historical announcement regarding the grant of full provincial autonomy to Berar, in the event of rendition, would have succeeded in re-establishing His Exalted Highness' hegemony in that lost province. But that was not to be.

When, therefore, British Imperialists talk of the possibility of Paramountcy being defined, in case responsible Government is conceded, it is because they know full well that responsible Government can never be

conceded by the Princes as long as Paramountcy remains Paramount. The recent declarations of the Dewans of Travancore and Cochin have made this point clear beyond the shadow of a doubt.

The first and foremost demand of the people of Hyderabad should, therefore, be regarding the definition of Paramountcy. It is only then that people will begin to see things in their true perspective and the Ruler free to accede to the wishes of his subjects, in the light of the present conditions of the world and in consonance with modern democratic ideas; otherwise the State Block in the Federal Assembly of India is bound to prove a stumbling block in the path of Nationalism.

These are the fundamentals of Hyderabad politics, without a correct appreciation whereof no public movement can ever hope to be truly Nationalist or really useful.

The enlightened public of Hyderabad should thank the writers of these two articles, as they have set the ball rolling in the right direction. It is possible that many will differ with the writers in some of their ideas; for instance, the question of the communal mindedness of the Hindoos, or the interpretation of the word Sovereignty; but by mutual discussions, mis-understandings can be cleared up and common ideas and formulae for the welfare of all Hyderabadies could be evolved. I earnestly hope that, with the co-operation and goodwill of all, this knotty problem will be solved by the sons of the soil.

—MADAN MOHAN LAL.

APPENDIX A

NATIONAL DEMAND

As is now well known there is a nation-wide movement afoot among the people of Jammu and Kashmir State, to bring about a complete change in the social and political outlook of the people. This Movement is not confined to any particular community or section of the public but all classes of people have begun participating in it with the fullest consciousness of the issues it involves. But we do make it perfectly clear at the very outset that our loyalty to His Highness' person and throne is unswerving and needs no reiteration.

The ultimate political goal of this movement is the achievement of complete responsible government under the aegis of His Highness the Maharaja Bahadur. But as sponsors of this national movement, we feel that it is our bounden duty to acquaint all our countrymen as also others who are interested in it of the immediate objective we have in view.

Our Movement is essentially a movement of peace and good-will. Immediately, it aims at securing the elementary and basic rights of citizenship. It shall certainly try to bring about such a state of affairs in this country as would make it possible for even the humblest subject of His Highness to contribute to the making of his own destinies. Our demands are modest, but they have the force of reason and justice behind them. Not that we are not conscious of our limitations; not that we are not fully aware of the fact that the Government knows its mind and has resources at its disposal to enforce its will. But in the soul-stirring words of Pandit Moti Lal Nehru: "However much we may be enfeebled in body, our soul has never been nor will ever be killed." Our Movement has a gigantic urge behind it. It is the urge of hunger and starvation which propels it onwards in most adverse circumstances.

The ever-growing menace of unemployment amongst our educated young men and also among the illiterate masses in the country, the incidence of numerous taxes, the burden of exorbitant land-revenue, the appalling waste of human life due to want of adequate modern medical assistance, the miserable plight of uncared-for thousands of labourers outside the State boundaries and in face of all this the patronage that is being extended by the Government in the shape of subsidies and other amenities to outside capitalists as also the top-heavy administration that daily becomes heavier, point to only one direction that the present conditions can never be better as long as a change is not made in the basic principles that are underlying the present system of Government.

Our cause is both righteous, reasonable and just. We want to be the makers of our own destinies and we want to shape the ends of things according to our choice, of course, under the august patronage of His Highness. This we cannot do, so long as a healthy change is not effected in the present system of Government. We have also come to the conclusion that without such a change it is impossible for the communities individually or the country collectively to progress. We are, therefore, of this firm belief, that the Government of His Highness should, before long, be modelled on the following lines :—

- (a) The present system of administration in the State shall be replaced by Responsible Government subject to the general control and residuary powers of His Highness the Maharaja Bahadur as hereinafter mentioned.
- (b) The Ministry shall be responsible to the Jammu and Kashmir Legislature and shall have, subject to such responsibility, power to control the expenditure of the revenues of the State and also to make such grants and appropriation of any part of those revenues or of any other property which is at present under the control or disposal of the Council as reserved expenditure, save and except the following which shall remain under

the control of His Highness the Maharaja Bahadur: 1. Expenditure of the Military Services. 2. Expenditure classed as Political and Foreign. 3. Payments of all debts and liabilities hitherto lawfully contracted and incurred by His Highness-in-Council on account of Government of Kashmir. 4. The Dharmarth Trust.

- (c) The principle of responsibility to the Legislature shall be introduced in all the branches of administration of the Government subject to general control, reservations and residuary powers vested in His Highness in respect of control of Military, Foreign and Political Affairs etc., provided that the proposal of His Highness for appropriations of any revenues or monies for Military or other expenditure for Foreign and Political purposes shall be submitted to the vote of the Legislature, but that His Highness shall have power notwithstanding the vote of the Assembly to appropriate up to a fixed maximum any sum His Highness may consider necessary for such expenditure.
- (d) The Legislature shall consist entirely of members elected by constituencies formed on the system of the adult franchise. Provision should be made for the representation of labour, trade, landlords and educational interests in the Legislature by means of election.
- (e) The election to the Legislature shall be made on the basis of joint-electoralates; seats should be reserved for the minorities, and all other safeguards and weightages should be guaranteed to them in the constitution for the protection of their legitimate linguistic, religious, cultural, political and economic rights according to the principles enunciated, accepted or acted upon by the Indian National Congress from time to time. In addition to the above the religious rights and sentiments of all the communities should always be respected and not interfered with.

- (f) All the subjects of the State, without distinction of creed and caste shall be admitted for services in all armies of defence and for that purpose His Highness shall be assisted by a Minister responsible to the Assembly.
- (g) No subject of His Highness shall be liable to suffer in liberty, life, property or of associations and free speech or in respect of writing except under sentence by an ordinary court of justice and as a result of lawful and open trial.

All this cannot be given for the mere asking. It requires wise statesmanship from the side of the Government. Our earnest desire is to avoid a strife. Let the Government make an announcement accepting the above principles and if His Highness' Government is pleased to discuss these principles with us we shall certainly and whole-heartedly co-operate for this purpose. We are sure that if this is done there will reign peace all around."

(Sd.) Sh. MOHAMMAD ABDULLAH, the President of the Kashmir Muslim Conference.

(Sd.) M. M. SAYEED, Member Kashmir Assembly.

(Sd.) G. M. SADIQ, Member Kashmir Assembly.

(Sd.) Mian AHMAD YAR, Member Kashmir Assembly.

(Sd.) M. A. BEG, Member Kashmir Assembly.

(Sd.) Pandit KASHYAP BHANDU, Editor *The Kesari*.

(Sd.) Pandit PREM NATH BAZAZ.

(Sd.) S. BUDH SINGH.

(Sd.) Pandit JIA LAL KILAM,

(Sd.) GHULAM MOHAMMAD BAKSHI.

(Sd.) Pandit SHAM LAL SARAF.

(Sd.) Dr. Pandit SHAMBHOQ NATH PESHIN.

APPENDIX B

1. The history of the Notification, given below which confers sweeping and almost unlimited powers on police Sub-Inspectors and all military officers, of arrest of political suspects without warrant and their imprisonment without trial, is interesting.

2. The Notification was originally enacted on September 24, 1931 to direct the course of Martial Law in Srinagar and other places. It was "withdrawn" by a proclamation of His Highness on October 5, 1931, after being in force only for a few days. It was again promulgated on June 1, 1933 to meet another emergency. Since then it has not been withdrawn. It was resorted to at the very outset of the present agitation.

3. It will be recalled that the mysterious Notification No. 19-L has been repeatedly mentioned during the present agitation. In fact hundreds of arrests have taken place under this Notification.

Notification No. 19-L, dated 8th Assuj 1988-24th September, 1931.

Whereas an emergency has arisen which makes it necessary to provide for the conferment of special powers upon certain of my officers for the suppression of disorder and the restoration and maintenance of law and order

I hereby command as follows :—

CHAPTER I

1. Preliminary.

(a) This Notification shall extend for the present to the city of Srinagar within the Municipal limits and shall come into operation immediately.

(b) It may be extended to any other area within my rule by a Notification.

2. Definitions under this Notification.

- (a) "the code" means the Code of Criminal Procedure of Sambat 1969.
- (b) "A turbulent person" includes any person who has committed an offence punishable under section 121, 121-A, 122, or 123, of the Ranbir Penal Code or against whom operations are being carried out by my Military forces or the Police for the purpose of restoring and maintaining law and order in any area to which this Notification extends.

CHAPTER II

3. Power to arrest turbulent persons.

- (1) A competent authority may arrest without warrant any person against whom a reasonable suspicion exists that he has promoted or assisted to promote disaffection against the authority of Government or that he has acted or intends to act in a manner prejudicial to the restoration or maintenance of law and order.
- (2) In making such arrests a competent authority may use any means that may be necessary.
- (3) A competent authority making such arrest shall forthwith commit any person so arrested to jail in Srinagar.

Provided that no person shall be detained in custody under this section for a period exceeding one month.

4. Power to control turbulent persons.

- (1) A competent authority, if satisfied that there are reasonable grounds for believing that any person has promoted or assisted to promote or intends to promote disaffection against the authority of Government, or that he has assisted or intends to assist any disaffected person, or

has otherwise acted or intends to act in a manner prejudicial to the restoration or maintenance of law and order may, by order in writing, direct that such person—

- (a) shall not enter, reside or remain in any area specified in the order.
 - (b) shall reside or remain in any area specified in the order.
 - (c) shall remove himself from, and shall not return to, any area specified in the order, or
 - (d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control as may be specified in the order.
- (2) An order made under sub-section (1) shall not remain in force for more than one month from the making thereof.
 - (3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

5. Power to appoint special police officers.—A competent authority may appoint persons as special Police Officers, and any person so appointed shall be deemed to have been appointed as a special officer in accordance with the provisions of any enactment relating to the appointment of special police in force in the area in which he is appointed.

6. Power to require assistance in the restoration or maintenance of law and order.—A competent authority may require any person to assist in the restoration or maintenance of law and order in such manner and within such limits as the competent authority may prescribe.

7. Power to take possession of immoveable property.—Where in the opinion of the competent authority such action is expedient to the furtherance of any operation being carried out by my Military forces or the Police for the maintenance or restoration of law and order or the protection of

property, such competent authority may, after recording an order in writing stating his reasons—

- (a) take possession of any land, and construct Military works including roads thereon and remove any trees, hedges, crops and defences therefrom.
 - (b) take possession of any land or buildings together with any property thereon, whether movable or immovable including works for the supply of electricity or water and any source of water supply.
 - (c) take such steps as may be expedient for placing any lands, buildings or structures in the state of defence.
 - (d) cause any buildings, structures, trees, hedges, crops or other property of any kind to be destroyed or removed ; and
 - (e) do any other act involving interference with private rights in property.
- (2) If, in the opinion of a competent authority, any land, or building can be utilised as quarters or offices for public servants, or for the accommodation of troops, police or prisoners, the competent authority may, by order in writing, require the occupier or any other person in charge of the land or building to place it at the disposal of the Government at such times as may be specified in the order of any fixtures, fittings, furniture or other things for the time being in the building or on the land, and the competent authority may dispose of or use such land, building, fixtures, fittings, furniture or other things in such manner as it may consider expedient.
- (3) In this section “ building ” includes any portion or portions of a building whether separately occupied or not.
- (4) The District Magistrate may, on the application of any person who has suffered loss by exercise of the powers conferred by this section award to

such person such compensation as he thinks reasonable, and such award shall be final.

8. Power to take possession of movable property.

- (1) If, in the opinion of a competent authority, any product, article or thing can be utilised for the public advantage, the competent authority may, by order in writing require any owner or person in charge of such product, article or thing to place it at the disposal of Government at such time and place as may be specified in the order, and the competent authority may dispose of or use it in such manner as it may be considered expedient.
- (2) The District Magistrate may, on the application of any person who has suffered loss by the exercise of the power conferred by sub-section (1) award to such person such compensation as he thinks reasonable, and such award shall be final.

9. Powers regarding arms, ammunition, explosives, etc.

- (1) A competent authority may, by order in writing, published in such manner as he thinks best adapted for informing the persons concerned—
 - (a) prohibit, either absolutely or subject to such exceptions as may be specified in the order, the purchase, sale or delivery of, or other dealing in any arms, ammunition, explosive substance, or materials wherefrom any explosive substances may be made; or
 - (b) direct that any person owning or having in his possession or under his control any arms, parts of arms, ammunition, explosive substances or materials wherefrom any explosive substances may be made shall keep the same in a secure place approved by the competent authority or remove them to any place specified in the order,

(2) A competent authority may take possession of :—

- (a) any arms, parts of arms, ammunition, explosive substances or materials wherefrom any explosive substance may be made ; or
- (b) any tools, machinery, implements or other materials of any kind, likely, in his opinion, to be utilised, whether by the owner or by any other person, for the purpose of causing unlawful hurt or damage to any person or to any property.

10. Power to regulate means of transport.

- (1) A competent authority may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles, vessels or other means of transport owned by him or in his possession or under his control.
- (2) A competent authority, if in his opinion, it is necessary for the public advantage, may, by order in writing require any person owning or having in his possession or under his control, any vehicle, vessel or other means of transport to take such order therewith for such period as may be specified.

11. Power to control traffic on roads and waterways.—Where, in the opinion of a competent authority, such action is expedient for carrying out the purposes of this Notification, such competent authority may close or divert any road, pathway or waterway or may regulate traffic over any road, pathway or waterway.

Provided that the competent authority :—

- (a) gives notice of such action in writing to the local authority (if any) in whose charge such road, pathway or waterway is, and
- (b) restores any such road, pathway or waterway to its original use and condition as soon as the necessities of the case permit this to be done.

12. Power to control telegraphs.—A competent authority may control the operation of any State telegraph, or telephone office or station in any part of the area for which he is appointed and, in particular, may intercept any telegraphic or telephonic message in the course of transmission, may ascertain its contents and may prohibit its further transmission.

13. The powers conferred by section 12 shall be exercised in consultation with the authority in charge of the office or station concerned, or with any superior authority.

14. Powers to issue search warrants.—The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Notification or any act prejudicial to the restoration or maintenance of law and order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made.

(b) the seizure in or on any place searched under clause (a) on anything which the officer executing the warrant has reasons to believe is being used or is intended to be used, for any purpose mentioned in that clause; and the provision of the Code shall, so far as may be, apply to such searches made under the authority of any warrant issued and to the disposal of any property seized under this section.

15. General power of search.—Any authority on which a power is conferred by or under this chapter may, be general or special order authorise any person to enter and search any place the search of which such authority has reasons to believe to be necessary for the purpose of—

(a) ascertaining whether it is necessary or expedient to exercise such power, or

(b) ascertaining whether any order given, direction

made, or conditions prescribed in the exercise of such power has been duly complied with, or

- (c) generally giving effect to such power or securing compliance with or giving effect, to any order given, direction made or condition prescribed in the exercise of such power.

16. Power to enforce orders.—If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed in accordance with the provisions of this Notification or of the rules made thereunder, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

CHAPTER III

17. Penalty for disobeying order under section 4 or section 9.—Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 or section 9 shall be punishable with imprisonment which may extend to three years, or with flogging not exceeding thirty stripes or fine extending to Rs. 1,000.

18. Penalty for disobeying other orders under Chapter II.—Subject to the provision of section 17 whoever disobeys or neglects to comply with any order made, direction given or condition prescribed in accordance with the provisions of Chapter II, or impedes the lawful exercise of any power referred to in that chapter such as throwing stones or using seditious language, shall be punishable with imprisonment which may extend to six months or with flogging not exceeding thirty stripes or fine extending to Rs. 1,000.

19. Tampering with public servants.—Whoever induces or attempts to induce any public servant or any servant of a local authority or any railway servant to disregard or fail in his duty as such servant, shall be punishable with imprisonment which may extend to one year or flogging or fine extending to Rs. 1,000.

20. Dissemination of false rumours.—Whoever by words whether spoken or written or by signs or by visible or

audible representation or otherwise publishes any statement, rumour or report, which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public or hatred or contempt towards any public servant or any class of my subjects shall be punishable with imprisonment which may extend to one year or with flogging or fine extending to Rs. 1,000.

21. Dissuasion from enlistment.—Whoever dissuades or attempts to dissuade any person from entering the military or police service shall be punishable with imprisonment which may extend to one year or with flogging or with fine extending to Rs. 1,000.

22. Imposition of collective fine on inhabitants of turbulent areas :—

- (1) Where it appears to me that the inhabitants of any area have assisted or harboured disaffected persons or have attacked the person or property of members of any community of my subjects, I may, by notification impose collective fine on the inhabitants of that area.
- (2) I may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.
- (3) The District Magistrate, after such enquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it and such appointment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.
- (4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

Explanation.—For the purpose of this section, the "inhabitants" of an area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or

by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

22.A. Whenever a fine is imposed under sections 17, 18, 19, 20, 21 or 25 (2) above on any person under the age of 21, the fine may be recovered from his father or guardian as if the fine had been imposed on such father or guardian.

23. All trials under this chapter shall be summary.

CHAPTER IV

Supplemental

24. Appointment of competent authority.—I may, by general or special order, appoint persons to be competent authorities to exercise any of the powers conferred upon a competent authority by Chapter II within such area as may be specified in the order.

25. Power to make rules.—The Competent authority may make rules—

- (a) To prevent communication with disaffected persons and to secure information of the movements of disaffected persons ;
- (b) To prevent attacks on the persons or property of members of a community of my subjects, and to secure information of such attacks and of designs to make such attacks ;
- (c) to secure the safety of my Military forces and Police ;
- (d) to provide for the custody of pending production before a court of prisoners taken in circumstances in which the provisions of the Code cannot be followed without undue inconvenience ; and,
- (f) generally to carry out the purposes of this Notification,

- (2) Any contravention of a rule shall be punishable with imprisonment which may extend to six months or with flogging or fine extending to Rs. 1,000.

26. Offences under this Notification and certain other offences to be cognisable and non-bailable.

- (1) Notwithstanding anything contained in the Code any offence punishable under this Notification shall be cognisable and non-bailable.
- (2) Notwithstanding anything contained in the Code, an offence punishable under sections 121, 121-A, 122, 123, 153-A, 160, 186, 187, 188, 189, 227, 505, 507 or 508, the Ranbir Penal Code or under section 17 of the Criminal Law Amendment Regulation 1971, shall be cognisable and non-bailable.

27. Bar of jurisdiction.—No proceeding, rule or order purporting to be taken or made under this Notification shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Notification or any rule made thereunder.

28. Operation of other penal laws not barred.—Nothing contained in this Notification shall be deemed to prevent any person from being prosecuted under any other law for any act or omission, which constitutes an offence punishable under this Notification.

(Sd). HARISINGH,

MAHARAJA,

G.C.I.E., K.C.V.O., A.-D.-C.

Under the Notifications.

(i) No. 15-L, dated 1st February 1934 (20th Magh 1990) and

(ii) No. 16-L, dated 13th Feb, 1934 (2nd Phagan

1990) all the provisions of Notification No. 19-L of 1938 were extended to

(i) the villages of Mattan, Bijbehara and Pulwama, and

(ii) the town of Baramulla and the villages of Sopore.

Under order dated 24th September 1931 and Notification No. L-3 of 1990 His Highness the Maharaja Bahadur was pleased to appoint :—

(a) All Military state officers (from the rank of Brigadier to Second Lieutenant inclusive),

(b) District Magistrates, Kashmir and Jammu,

(c) All police officers of and above the rank of Sub-Inspectors,

competent authorities to exercise any of the powers conferred upon a competent authority by Chapter 11 of Notification No. 19-L of 1988 within the Municipal limits of the city of Srinagar and within the Municipal limits and Cantonment of the city of Jammu.

Notification No. L-4 of 1990. His Highness the Maharaja Bahadur was pleased to extend all the provisions of No. 19-L of 1988 to the Qasba of Anantnag (area in which land is permitted to be mortgaged and sold) and in the village of Sarnel.

Under section 3-(3) of the above-mentioned Notification No. 19-L of 1988 a 'competent authority' making an arrest shall commit any person so arrested either to the jail in Srinagar or to the judicial lock-up at Anantnag.

Under section No. L-4 of 1990 His Highness the Maharaja Bahadur was pleased to appoint

(a) All Military officers of the State from the rank of Brigadier to the Second Lieutenant inclusive,

(b) District Magistrate Kashmir,

(c) Wazir Wazarat Anantnag,

(d) All police officers of and above the rank of Sub-Inspector,

competent authorities to exercise any of the powers conferred upon a competent authority by Chapter II of Notification No. 19-L of 1988 read with L-4 of 1990 within the limits of Qasba Anantnag (area in which land may be mortgaged and sold) and the village of Sarnel.

All Assistant Sub-Inspectors are appointed competent authorities only to the extent that they may exercise powers under section 3 (1) section 3 (2) and section 6 of Notification 19-L of September 1931.

Under Section No. L-3 of 1990, His Highness the Maharaja Bahadur was pleased to command that all provisions of Notification No. 19-L of 1988 shall be extended to the city of Jammu within the Municipal and Cantonment limits.

Under Notification No. L-16 of 1990 His Highness the Maharaja Bahadur has been pleased to appoint

(a) The District Magistrate of Kashmir and all Police officers of and above the rank of Sub-Inspector for village of Sopore and town of Baramulla, and

(b) The Munsiff Sopore for the village of Sopore.

competent authorities to exercise any of the powers conferred upon a competent 'authority' by Chapter II of Notification No. L-19 of 1988 read with Notification No. L-16 of 1990.

APPENDIX C

REGULATION FOR THE PREVENTION OF SEDITIOUS MEETINGS

SAMBAT 1971

(Sanctioned by His Highness, the Maharaja Bahadur *vide* Chief Minister's letter No. 4282/N-102-07, dated 10th September 1914.)

A Regulation relating to the prevention of Public Meetings likely to promote sedition or to cause a disturbance of public tranquillity.

1. Whereas it is expedient to provide for the prevention of public meetings likely to promote sedition or to cause a disturbance of public tranquillity ; it is hereby enacted as follows :—

- (1) **Short title and extent.**—This Regulation may be called a Regulation for the prevention of Seditious Meetings Sambat 1971.
- (2) **Definitions.**—(a) In this Regulation, the expression “Public Meeting” means a meeting which is open to the public or any class or portion of the public.
- (b) A meeting may be a public meeting notwithstanding that it is held up in private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.
- (c) “Governor” means the Governors of Jammu and Kashmir and the Wazirs of Leh and Gilgit within their respective jurisdiction.

2. **Notice to be given of public meetings.**—No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement or for the exhibition or distribution of any written or printed matter relating to any such subject shall be held :—

- (a) Unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the Governor or Sub-

Divisional Magistrate or the Superintendent of Police at least 3 days previously; and

- (b) Unless permission to hold such meeting has been obtained in writing from the Governor or the Superintendent of Police.

3. Power to cause report to be taken.—Any Magistrate of the 1st Class or a Police Officer not below the rank of an Inspector may, by order in writing, depute one or more police officers not being below the rank of Sergeants, or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings.

4. Power to prohibit public meetings.—The Governor or a Sub-Divisional Magistrate or the Superintendent of Police may, at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting, if in his opinion such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

5. Penalties.—(a) Any person concerned in the promotion or conduct of a public meeting held in the Jammu and Kashmir State contrary to the provisions of section 3 shall be punished with imprisonment for a term which may extend to 6 months, or with fine, or with both.

(b) Any public meeting which has been prohibited under Section 4 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Ranbir Dand Bidihi and Chapter IX of the Code of Criminal Procedure, Sambat 1969.

6. Penalty for delivery of speeches in public places.—Whoever, in a public place or a place of public resort, otherwise than a public meeting held in accordance with the provisions of Section 3, without the permission of the Governor or the Superintendent of Police, 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 6 months, or with fine, or with both.

7. Cognisance of offences.—No court inferior to that of a Magistrate of the 1st Class shall try any offence against this Regulation.

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