



The East Punjab Armed Bands (Arrest and Detention) Act, 1947

Act 11 of 1947

Keyword(s):

**Arms, Armed Band, The Code, Concentration Camp, Grievous Hurt, Public
Servant**

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THE EAST PUNJAB ARMED BANDS (ARREST AND DETENTION) ACT, 1947.

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¹THE EAST PUNJAB ARMED BANDS (ARREST AND DETENTION) ACT, 1947

EAST PUNJAB ACT NO. 11 OF 1947.

(Received the assent of His Excellency the Governor of East Punjab on the 4th December, 1947, and was first published in the East Punjab Government Gazette (Extraordinary), dated 8th December, 1947.

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1947	.. 11	The East Punjab Amended in part by the Adaptation Armed Bands (Arrest of Laws Order, 1950 and Detention) Act, 1947	

An Act to provide for the arrest and punishment of members of armed bands

It is hereby enacted as follows:—

1. (1) This Act may be called the East Punjab Armed Bands (Arrest and Detention) Act, 1947.

Short title, extent and commencement.

(2) It extends to the whole of ²[Punjab].

(3) It shall come into force in such areas and on such date or dates as the ³[State] Government may, by notification, appoint in this behalf.

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette*, 1947, page 48 ; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume I, 1947, pages 48—60 and 172—77.

²Substituted for the words " East Punjab " by the Adaptation of Laws Order, 1950.

³Substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Interpretation.

2. In this Act unless there is anything repugnant in the subject or context—

(a) "Arms" has the meaning given to it in the Indian Arms Act, 1878, and includes any weapon, or thing capable of being used as weapon, which if used for offence, is likely to cause grievous hurt or death; but does not include licensed arms or arms for which no license is under the provisions of the said Act or the rules made thereunder, required; ^{XI of 1878}

(b) "Armed band" means any assembly or group of five or more persons, all or any of whom carry or carries, arms;

Provided that no public servant who carries any arms in pursuance of his duties as such public servant shall be treated as member of an armed band;

(c) "The Code" means the Code of Criminal Procedure, 1898; ^{v of 1898}

(d) "Concentration Camp" means any camp established by or under the authority of the ¹[State] Government for the detention of persons contravening any of the provisions of this Act;

(e) "Grievous hurt" has the meaning given to it in section 320 of the Indian Penal Code, 1860; and ^{XLV of 1860.}

(f) "Public servant" has the meaning given to it in section 21 of the Indian Penal Code, 1860; ^{XLV of 1860.}

Power to arrest
members of armed
bands.

3. (1) Any Magistrate and any police officer not below the rank of Station House Officer may arrest without warrant any member of an armed band, and if resistance is offered to the arrest, may fire upon or otherwise use force, even to the causing of death, in order to effect such arrest.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) The procedure laid down in sections 41 to 53 of the Code shall be so far as may be, applicable to arrests effected under sub-section (1).

4. (1) The officer effecting the arrest shall with all convenient speed take or send the arrested person to the officer-in-charge of the nearest concentration camp. Procedure after arrest.

(2) The officer-in-charge of a concentration camp may pending trial keep the arrested person in detention for a period not exceeding one month.

5. (1) The ¹[State] Government and with the authority of the ¹[State] Government the District Magistrate, within the area under his jurisdiction, may establish concentration camps. Power to establish concentration camps.

(2) The ¹[State] Government may by general or special order prescribe the organization of such camps and determine the conditions as to maintenance, discipline and the punishment of offences and breaches of discipline which shall be applicable to persons kept in custody in such camps.

6 (1) Whoever is a member of an armed band shall on conviction for such offence by a competent Criminal Court be punished with imprisonment of either description which may extend to three years or with fine or with both. Offences and penalties.

(2) Whoever being a member of an armed band resists his arrest by or under the orders of a duly authorized officer shall on conviction for such offence by a competent Criminal Court be punished with imprisonment of either description which may extend to seven years or with fine or with both.

7. Notwithstanding anything to the contrary contained in the Code any Magistrate trying an offence under this Act may if he thinks fit try any such offence summarily according to the procedure prescribed in Chapter XXII of the Code. Procedure.

¹ Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Offences under the
Act to be non-
bailable.

8 Notwithstanding anything contained in the Code any offence punishable under this Act shall be non-bailable.

Special provision
regarding bail.

9. Notwithstanding anything contained in the Code no person accused of an offence made punishable by this Act shall if in custody be released on bail or on bond unless—

(a) the prosecution has been given an opportunity to oppose the application for such release ;
and

(b) where the prosecution opposes the application the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

Jurisdiction barred.

10. No prosecution, suit or other legal proceeding shall be instituted except with the previous sanction of the ¹[State] Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred under sections 3 and 4 of this Act, or under any order made under sub-section (2) of section 5.

Operation of other
penal laws not
barred.

11. Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act which constitutes an offence punishable under this Act.

Repeal of Ordinance
VI of 1947.

12. The East Punjab Armed Bands (Arrest and Detention) Ordinance, 1947, is hereby repealed.