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The Security of Pakistan Act, 1952

[1]ACT NO. XXXV OF 1952

[5th *May*, 1952]

An Act to provide for special measures to deal with persons acting in a manner prejudicial to the defence, external affairs and security of Pakistan, [2]* * *, [3]* * *

WHEREAS it is expedient to provide for special measures to deal with persons acting in a manner prejudicial to the defence, external affairs and security of Pakistan, [2]* * *, [3]* * *;

It is hereby enacted as follows:---

1. Short title, extent and commencement.— (1) This Act may be called the Security of Pakistan Act, 1952.

(2) It extends to the whole of Pakistan.

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[1] For Statement of Objects and Reasons, *see* Gazette of Pakistan, Ext., 1952 page 553.

The Act has been applied to—

(i) Baluchistan, with effect on and from the 6th May, 1952, see Gazette of P., 1952, Pt. I, page 119 ; extended to the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and to applied in the Federated Areas of Baluchistan, *see* Gazette of Pakistan, 1953, Pt. I, page 152, and

It has also been extended to—

(ii) the Baluchistan States Union, by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953) ; and

(iii) Khairpur State, by the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O. 5 of 1953).

In this Act references to detention order to an Advisory Board shall be of no effect (with effect from the 7th October, 1958), see the President's Order (Post-Proclamation) No. 1 of 1958, Art. 4 and Sch.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), S. 2, *see* also Martial Law Regulation No. 72.

[2] The words "or the maintenance of supplies and services essential for the community" omitted by the Adaptation (Security Laws) Order, 1956 (P.O. No. 8 of 1956), Art. 2 and Sch. (w.e.f. the 23rd March, 1956).

[3] The words "or for the maintenance of public order [in the Federal Territory of Karachi]" omitted by the Repealing and Amending Ord., 1965 (10 of 1965), s. 3 and 2nd Sch. The words in crotchets were first added by P.O. No. 8 of 1956 and then amended by the Repealing and Amending Ord., 1961 (1 of 1961) s. 3 and 2nd Sch.

[1][(3) It shall come into force at once [2]* * *].

[3][2. **Definitions.** In this Act, unless there is anything repugnant in the subject or context,---

[4][(a) 'Board' means the Review Board referred to in clause (4) of Article 10 of the Constitution which is appointed by the Chief Justice of Pakistan and consists of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court;]

(b) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(c) "document" includes any painting, drawing, photograph or other visible representation and gramophone records, sound tracks and any other article on which sounds have been recorded with a view to their subsequent reproduction ; and

(d) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents.]

3. Restrictions on the movements of suspected persons and their detention.--- (1) The [5][Federal Government] if satisfied with respect to any particular person, that, with a view to preventing him from acting in any manner prejudicial to the defence or the external affairs or

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[1] Subs. and shall be deemed always to have been subs. by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958), s. 2 for the original sub-section (3), as amended by the Security of Pakistan (Amdt.) Act, 1956 (16 of 1956), s. 2 and Sch.

[2] The words "and shall remain in force until the 30th June, 1961," as amended by the Security of Pakistan (Second Amdt.) Act, 1958 (46 of 1958), s. 2, the Security of Pakistan (Amdt.) Ord. 1959 (20 of 1959), s. 2 and the Security of Pakistan (Amdt.) Ord., 1960 (17 of 1960), s. 2, have been omitted by the Security of Pakistan (Second Amdt.) Ord., 1961 (23 of 1961), s. 2.

[3] Subs. by the Security of Pakistam (Amdt.) Act, 1965 (14 of 1965), s. 2, for the original s. 2, as amended by Act 13 of 1958 and the Repealing and Amending Ord., 1965 (10 of 1965).

[4] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2.

[5] Subs. *ibid.*, for "Central Government".

the security of Pakistan, or any part thereof [1]* * *, [2]* * *, it is necessary so to do, may make an order,---

(a) directing such person to remove himself from Pakistan in such manner, before such time, and by such route, as may be specified in the order;

(b) directing that he be detained [3][:]

[4][Provided that, within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under the clause, no person, other than a person who for the time being is an enemy alien or who is employed by, or works for, or acts on instructions received from, the enemy, or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or

attempts to commit any act which amounts to anti national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity, shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case.]

[1] The words "or to the maintenance of supplies and services essential to the community" omitted by the Adaption (Security Laws) Order, 1956 (P.O. No. 8 of 1956), Art. 2 and Sch. (*w.e.f. the 23rd March, 1956*).

[2] The words and comma "or for the maintenance of public order in the Federal Territory of Karachi or of the maintenance therein of essential supplies or services" as amended by the Adaptation (Security Laws) Order, 1956 (PO. No. 8 of 1956), the Repealing and Amending Ord., 1961 (1 of 1961), and Act, 13 of 1958 have been omitted by the Repealing and Amending Ord. 1965 (10 of 1965), s. 3 and 2nd Sch.

[3] Subs. by the Preventive Detention Laws (Amendment) Act, 1962 (4 of 1962), s. 2, for the semi-colon.

[4] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2.

(c) directing that, except in so far as may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place as may be specified in the order;

(d) requiring him to reside or remain in such place or within such area in Pakistan as may be specified in the order, and if he is not already there, to proceed to that place or area within such time as may be specified in the order ;

(e) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times, and to such authority or person, as may be specified in the order ;

(f) requiring him to 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;

[1]* * * * * * *

(g) Omitted by the Security of Pakistan (Amendment) Act, XIII of 1958, S. 4 ;

(h) prohibiting or restricting the [2]* * * use by him of any such article or articles as may be specified in the order :

Provided that no order shall be made under clause (a) of this subsection in respect of any person who is or is deemed to be a citizen of Pakistan under the law for the time being in force.

(2) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.

[1] Cl. (g) omitted by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958) s. 4.

[2] The words "possession or" omitted, *ibid.*

(3) If any person is in any area or place in contravention of an order made under sub-section (1), or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-section (5) of this section, he may be removed from such area or place by any police officer or by any person authorised by the [1][Federal Government] in this behalf.

(4) So long as there is in force in respect of any person an order under clause (b) of sub-section (1) directing that he be detained, he shall be liable to be detained in such place [2][as the Board may determine] and under such conditions, including conditions as to [3*] discipline and punishment of offences and breaches of discipline, as the [1][Federal Government] may from time to time specify.

(5) If the [4][Federal] or Provincial Government has reason to believe that a person in respect of whom an order as aforesaid has been made directing that he be detained, has absconded or is concealing himself so that such order cannot be executed, that Government may,---

(a) make a report in writing to a Magistrate of the First Class having jurisdiction in the place where the said person ordinarily resides ; and thereupon the provisions of Sections 87, 88 and 89 of the Code Act (V of 1898) shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate ;

(b) by order notified in the official Gazette direct the said person to appear before such officer, at such place, and within such period, as may be specified in the order; and if the said person fails to comply with

[1] Subs. by the Preventive Detention Laws Amendment Act., 1975 (44 of 1975), s. 2, for "Central Government".

[2] Ins. *ibid.*

[3] The word "maintenance" omitted, *ibid.*

[4] Subs. *ibid.*, for "Central".

such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(6) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (2), his bond shall be forfeited.

(7) An order made under this section [1] * * * [2][shall subject to the provisions of [3][Section 6A]] remain in force for such period as may be specified in the order [4][and if, before its expiration, the period is extended by the [5][Federal Government] for such extended period] [6]* * *:

[7]* * * * * * *

[8]* * * * * * *

[9]* * * * * * *

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[1] The words "subject to the provisions of sub-section (8)" which were first ins. by the Adaptation (Security Laws) Order, 1956 (P.O. No. 8 of 1956), Art. 2 and Sch. (w.e.f. the 23rd March, 1956) and then amended by the Security of Pakistan (Amendment) Act, 1958 (13 of 1958), s. 4, omitted and shall be deemed to have been so omitted on the 10th day of October, 1958, by the Security of Pakistan (Second Amdt.) Ordinance, 1959 (39 of 1959), s. 2.

[2] Subs. by the Preventive Detention Laws (Amdt.) Act, 1962 (4 of 1962), s. 2, for "shall".

[3] Subs. by the Security of Pakistan (Amdt.) Act, 1965 (14 of 1965), s. 3, for "sub-section (7A)".

[4] Added and shall be deemed always to have been so added by the Security of Pakistan (Amdt.) Ord., 1965 (9 of 1965), s. 2.

[5] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for "Central Government".

[6] The words "or, if no period is specified, until revoked by the authority making the order" omitted by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958), s. 4.

[7] Proviso omitted *ibid.*

[8] Sub-section (7A) which was ins. by the Preventive Detention Laws (Amdt.) Act, 1962 (4 of 1962), s. 2 (w.e.f. 22nd July, 1962), and was subs. by the Security of Pakistan (Amdt.) Ord., 1964 (10 of 1964), s. 2, omitted by Act 14 of 1965, s. 3.

[9] Sub-section (8) which was ins. by P.O. No. 8 of 1956, Art. 2 and Sch. (*w.e.f.* the 23rd *March, 1956*), has been omitted and shall be deemed to have been so omitted on the 10th day of October, 1958, by Ord. 39 of 1959, s. 2.

[1][(9) The revocation, otherwise than on the recommendation of the Board, of an order made under clause (*b*) of sub-section (1) against any person, or the expiry of any such order, shall not bar the making, against the same person and on the same grounds, of a fresh order under that clause :

Provided that a person shall not be detained under successive orders on the same grounds for a period exceeding three months in the aggregate unless the Broad has reported before the expiration of the said period that there is, in its opinion, sufficient cause for such detention.

Explanation.— In computing the aggregate period of three months, there shall be excluded any period for which the person concerned has been detained with the authority of the Board under Section 6-A.]

[2][3A. Temporary release of persons detained.— (1) The [3][Federal Government] may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or

upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the [3][Federal Government] may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

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[1] Sub-section (9), which was originally ins. by Act 13 of 1958, s. 4, has successively been subs. by Ord. 9 of 1965, and Act 14 of 1965, s. 3, to read as above.

[2] Ss. 3A, 3B and 3C ins. by Act 13 of 1958, ss. 5 and 6.

[3] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2 for "Central Government".

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a tent which may extend to two years or with fine or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

3B. Execution of detention order. A detention order may be executed at any place in Pakistan in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1898 (Act V of 1898).

3C. Detention orders not to be invalid or inoperative on certain grounds. No detention order shall be invalid or inoperative merely by reason :

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(b) that the place of detention of such person is outside the said limits.]

4. Powers of photographing, etc., persons.— (1) The [1][Federal Government] or the Provincial Government may, by order, direct that any person, in respect of whom an order has been made under sub-section (1) of Section 3, shall——

(a) allow himself to be photographed and allow his finger and thumb impression to be taken by an officer specified in the order,

(b) furnish specimens of his handwriting and signature, and

(c) attend at such time and place before such authority or persons as may be specified in the order for all or any of the purposes mentioned in this sub-section.

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[1] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for "Central Government"

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

5. [*Constitution of Advisory Boards*] *Omitted and shall be deemed to have been so omitted on the 10th day of October, 1958, by the Security of Pakistan (Second Amendment) Ordinance, 1959 (39 of 1959), s. 3.*

[1][6. Communication of grounds of order.— [2][(1)] In every case where an order has been made under sub-section (1) of section 3 or under section 10, section 11 - [3][or section 11A], the authority making the order shall, as soon as may be, but [4][subject to the provisions of sub-section (2)], communicate to the person or association affected thereby the grounds on which the order has been made to enable him or it to make representation in writing against the order, and it shall be the duty of such authority to inform such person or association of his or its right of making such representation and to afford him or it the earliest opportunity of doing so:

Provided that nothing in this section shall require the authority to disclose the facts which it considers to be against the public interest to disclose.]

[5][(2) In the case of an order made under clause (b) of sub-section (1) of section 3, the authority making the order shall, except where the [6][Federal Government] in the interest of the security of Pakistan, directs otherwise, inform the person detained under that order of the grounds of his detention at the

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[1] Subs. by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958), s. 7, for the original section 6, which had been amended by the Adaptation (Security Laws) Order, 1956 (P.O. 8 of 1956), Art. 2 and Sch.

[2] S. 6 renumbered as sub-section (1) of that section by the Preventive Detention Laws (Amdt.) Act, 1962 (4 of 1962), s. 2.

[3] Subs. by the Security of Pakistan (Amdt.) Act, 1965 (14 of 1965), s. 4 , for "[11A] or section 12". The comma, figures and letter in crotchets were ins. by the Security of Pakistan (Amdt.) Ord., 1961 (14 of 1961).

[4] Subs. by Act 4 of 1962, s. 2, for "not later than fifteen days from the date of detention".

[5] Sub-section (2) added *ibid.*

[6] Subs. by the Preventive Detention Laws Amendment Act, 1975 (64 of 1975), s for "President".

time he is detained or as soon thereafter as is practicable, but not later than fifteen days from the date of detention.]

[1][6A. Reference to Board and its procedure.— [2][(1) A person shall not be detained under an order made under clause (b) of sub-section (1) of section 3 for a period exceeding three months unless the Board, to which a reference shall be made by the Federal Government, has reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of three months, unless the Board

has reviewed his case and reported, before, the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.]

(2) A person affected by an order under clause (b) of sub-section (1) of Section 3 shall be entitled to be heard in person by the Board and to consult, in the presence of an officer nominated by the [3][Federal Government], but not to be represented before the Board by, a legal practitioner.

(3) The Board upon a reference made to it under sub-section (1) shall, after considering the material placed before it and calling for such further information as it may require from the [3][Federal Government], submit a report together with its recommendations to the [3][Federal Government].

(4) All proceedings of the Board shall be secret.]

7 and 8. [*Reference to Advisory Boards. Procedure of Advisory Boards.] Omitted and shall be deemed to have been so omitted on the 10th day of October, 1958, by the Security of Pakistan (Second Amendment) Ordinance, 1959 (39 of 1959), s. 3.*

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[1] Subs. by the Security of Pakistan (Amdt.) Act, 1965 (14 of 1965), s. 5, for s. 6A, which was first ins. by Act 4 of 1962, s. 2, and then amended by the Security of Pakistan (Amdt.) Ord., 1964 (10 of 1964), s. 3.

[2] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2.

[3] Subs. *ibid.,* for "Central Government".

9. [*Special provision for detention in certain cases.] Omitted by the Adaptation (Security Laws) Order* 1956 *(P. 0. No. 8 of 1956), Art. 2 and Sch. (with effect from the 23rd March, 1956).*

[1][**10. Control of subversive associations.**—(1) Notwithstanding anything contained in the Political Parties Act, 1962 (Act II of 1962), or in any other law for the time being in force, where the [2][Federal Government] is satisfied with respect to any association that there is danger that the association may act in a manner or be used for purposes prejudicial to the defence or external affairs or the security of Pakistan or of any part thereof, it may, by written or notified order, direct the association to suspend its activities for such period not exceeding three months as may be specified in the order.

(2) Where an order under sub-section (1) is in force in respect of an association, any officer authorised by the [2][Federal Government] in this behalf may enter upon and search any premises used for the purposes of the association and take possession of any document belonging to or in the custody of the association which in his opinion may be used for purposes prejudicial to the defence or external affairs or the security of Pakistan.

(3) Where an order has been made in respect of an association under sub-section (1), the [2][Federal Government] may, by written or notified order, direct that no funds or other property of the association shall be used, transferred or otherwise disposed of, or in any manner dealt with, so long as the order under sub-section (1) remains in force.

(4) Where an order under sub-section (3) has been made in respect of an association, all claims of the employees or creditors or the association, or of any other person, on the association or on the funds or property thereof, shall remain suspended, and the

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[1] Subs. by the Security of Pakistan (Amdt.) Act, 1965 (14 of 1965), s. 6, for s, 10, which had earlier been amended by P.O. No. 8 of 1956, Art. 2 and Sch., Act, 13 of 1958, s. 9 Ord. 1 of 1961, s. 3 and 2nd Sch., and Ord. 10 of 1965, s. 3 and 2nd Sch.

[2] Subs. by the Preventive Detention Laws Amendment Act 1975, (44 of 1975), s. 2, for "Central Government".

commencement or continuance of all actions and proceedings relating to such claim shall be stayed, for so long as the order remains in force.

(5) For the purposes of any suit, appeal or application by or against an association in respect of which an order under sub-section (3) has been made, the period during which the order remains in force shall, notwithstanding anything contained in the limitation Act, 1908 (IX of 1908) be excluded in computing the period of limitation.

(6) No person shall so long as an order under sub-section (1) in respect of any association remains in force—

(a) manage or assist in managing the association ;

(b) promote or assist in promoting a meeting of any members of the association, or attend any such meeting in any capacity ;

(c) publish any notice or advertisement relating to any such meeting;

(d) invite persons to support the association ; or

(e) otherwise in any way assist the operation of the association.

(7) A copy of an order under this section shall be served on the president, chairman, secretary or other officer or person concerned with the management of the affairs of the association by whatever name called, or by leaving it or sending it by post to the association at the last known address of its principal office.

(8) Whoever contravenes an order made under this section shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

11. Control of information.— (1) Where in the opinion of the [1][Federal Government], any document made, printed or published contains any news, report or information likely to endanger the defence or external affairs or security of Pakistan or any part thereof [2]* * * [3]* * *, it may, by written order—

(a) require the editor, printer, publisher or person in possession of such document to inform the authority specified in the order of the name and address of any person concerned in the supply and communication of such news, report or information, as the case may be ;

(b) require the delivery to an authority specified in the order of any document connected with the news, report or information referred to in clause (a) ;

(c) prohibit the further publication of such news, report or information, and the sale and distribution of such document ;

(d) declare such document and every copy or translation thereof or extract therefrom to be forfeited to Government.

(2) Where in pursuance of clause (b) of sub-section (1) any document is required to be delivered to a specified authority, that authority or any police officer may enter upon and search any premises

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[1] Subs. by the Preventive Detention Laws Amendment Act, 1975, (44 of 1975), s. 2, for "Central Government".

[2] The words "or maintenance of supplies and services essential to the community" omitted by the Adaptation (Security Laws) Order, 1956 (P.O. No. 8 of 1956), Art. 2 and Sch.(*w.e.f. the 23rd March, 1956*).

[3] The words "or the maintenance of public order in the Federal Territory of Karachi of the maintenance therein of essential supplies or services, omitted by the Repealing and Amending Ordinance, 1965 (10 of 1965), s. 3 and 2nd Sch. The original words have successively been modified by P.O. No. 8 of 1956, Act 13 of 1958, Ord. No. 1 of 1961, to read as above.

whereon or wherein such document or any copy thereof is or is believed to be.

(3) Where in pursuance of clause (d) of sub-section (1) any document has been declared to be forfeited to Government, any police officer may seize any copy thereof wherever found in Pakistan, and any Magistrate may by warrant authorize any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document, or any copy thereof is or is believed to be.

[1]* * * * * * *

[2][11A. Control of certain undertakings and sale of shares, etc.— (1) Where the [3][Federal Government] is of the opinion that any undertaking is being used, whether with the aid of funds from foreign sources or otherwise, or is likely to be used, for the purpose of making, printing, publishing or otherwise disseminating news, reports or information, likely to endanger the defence, the external affairs or the security of Pakistan, or any part thereof, or for the purpose of promoting such interests of any foreign State as are in conflict with the interests of Pakistan, it may, by order, remove the owner or, if there be more than one, all or any of them, and, in the case of a company, all or any of the directors, managing directors, managing agents or any other person, from the control or management of such undertaking, and appoint a person to take possession of the whole or any part of the undertaking or its property, movable or immovable, and exercise such powers and perform such duties, including, in the case of a company, all or any of the powers or duties of the Board of Directors, as may be set down in the order, and such appointment may at any time be revoked, and

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[1] Sub-sections (4),(5),(6),(7),(8) and (9) which were ins. by the Security of Pakistan (Amdt.) Ord., 1959 (23 of 1959) s. 2 Omitted by the Security of Pakistan (Amdt.) Ord., 1961 (14 of 1961) s. 3, (*w.e.f. from the 16th April, 1959*).

[2] Ss. 11A, 11B and 11C ins. by the Security of Pakistan (Amdt.) Ord., 1961 (14 of 1961), s. 4 (w.e.f. the 16th April, 1959).

[3] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2 for "Central Government".

a fresh appointment made on such conditions and with such limitations as the [1][Federal Government] may determine.

(2) Where an order has been made under sub-section (1), the [1][Federal Government], or any authority or person authorized by it in this behalf, shall, as soon as possible, make arrangements to transfer, subject to such conditions as may be deemed fit, and transfer, by way of sale, in any manner considered expedient, any right, title or interest in the undertaking, or if the undertaking be a company in the shares thereof, of any director or shareholder to any other person not acting for or on behalf of or in collusion with such director or shareholder.

(3) Every sale under sub-section (2) shall be subject to confirmation by the [1][Federal Government], and such confirmation shall be notified in the official Gazette.

(4) If such undertaking as aforesaid be a company, the [1][Federal Government] may give a direction that the shares held by every or any director or shareholder shall be seized wherever the shares may be, for sale under sub-section (2), in such manner that such director or shareholder shall effectively cease to hold them.

(5) Where possession has been taken under sub-section (1), or a direction has been given in pursuance of subsection (4), any police officer may seize any property of the undertaking or the shares thereof, or any document relating thereto, found anywhere in Pakistan, and any Magistrate may, by warrant, authorize any police officer not below the rank of sub-Inspector, to enter upon and search for any such property, share or document in any premises where the same may be or may reasonably be suspected to be.

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[1] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for "Central Government".

(6) The [1][Federal Government] or any authority or person authorized by it in this behalf, may, by order, make such arrangements as may be considered expedient to ensure that the continuity of the functioning of the undertaking affected by an order under sub-section (1) is not interrupted during the period between the date of such order and the date on which the person appointed under sub-section (1) makes over the control and management of the undertaking under sub-section (5) of section 11B, and any expenditure incurred in connection with such arrangements, including the remuneration of any person or persons, shall be met as the expenses of the undertaking.

(7) If within fourteen days of the promulgation of [2][the security of Pakistan (Amendment) Ordinance, 1961], or the publication of a notification under sub-section (3), the persons whose right, title or interest has been transferred by sale, or the person to whom the sale has been made, makes to the [1][Federal Government] a representation against the sale, the [1][Federal Government] after perusal of the record, may, subject to such condition as it may deem fit to impose, set aside the sale and order a fresh sale.

Explanation (I).— A fresh sale under this sub-section shall be deemed to be a sale under sub-section (2).

Explanation (II).— The [1][Federal Government] shall not be bound to hear any of the parties or their counsel or agent, or to examine any witness or document, before making an order under this sub-section.

(8) Before a sale is set aside under sub-section (7), the [1][Federal Government] may require the person making the representation to pay an amount sufficient to meet the expenses of the sale, and to forfeit to the [1][Federal Government] such other amount, not exceeding twenty-five per cent of the sale price, as may be determined by the [1][Federal Government].

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[1] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for "Central Government".

[2] Subs. by the Repealing and Amending Ordinance, 1965 (10 of 1965), s. 3 and 2nd Sch., for "this Ordinance".

(9) If the purchaser fails to pay the full price of the sale, the property may be resold, and any deficiency which may happen on resale and all expenses attending such resale may be recovered from him.

(10) Any amount payable under this section, whether as unpaid price, or as forfeiture or otherwise, if not paid within the time specified, if any, shall be recoverable as arrears of land revenue.

(11) The sale shall be complete after all proceedings under this section relating to sale or resale, as the case may be, have been concluded and all sums due from the purchaser in whose favour the sale has been concluded have bean paid by or recovered from him.

11B. Removal of control and possession, etc.— (1) On the completion of sale the [1][Federal Government] or the authority or persons, as the case may be, arranging the sale shall deliver possession of the property, or in the case of shares, of the certificated relating thereto, to the purchaser, supported by a sale certificate.

(2) If in consequence of the action taken under sub-section (1) of Section 11A, the Board of Directors of a company has ceased to function, the person appointed thereunder shall, immediately after the delivery of possession under sub-section (1), call, notwithstanding anything to the contrary in the Companies Act, 1913, or the constitution of the company, by public advertisement, a general meeting of the company to be held under his chairmanship, for the purpose of electing directors.

(3) A meeting called under sub-section (2) shall, as far as practicable, be held and conducted in accordance with the Articles of Association of the company.

(4) On the conclusion of a meeting held under this section, a record of the proceedings shall be

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[1] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for "Central Government".

made and certified by the Chairman, and such certificate shall be conclusive proof of the directors named therein having been validly appointed.

(5) Immediately after the record of proceedings is certified under sub-section (4), the control and management of the company shall be made over to the directors.

11C. Payment of sale price, etc.— (1) Any amount realized as price from a sale, or from a fresh, sale as the case may be, under Section 11A, shall, after deducting the expenses of the sale, be paid, within such time as may be specified by the [1][Federal Government], to the person whose right, title or interest has been transferred by such sale.

(2) Where the shares of more then one person have been sold in a single lot, the amount payable shall, with the shareholders' consent, be paid to them against a joint discharge, and in the absence of such consent the amount shall be paid to each shareholder in proportion to the paid amount of his shares.

(3) If the person to whom any right, title or interest, is transferred under Section 11A, has deposited any moneys before the sale to him is set aside, the amount so deposited or paid shall, after deducting the amount if any, due from such person under any of the provisions thereof, be refunded to him, and thereupon all documents executed and endorsements made in his favour shall stand cancelled.

(4) Where, in order to effect the transfer of any property, instrument or share, any document or endorsement is required to be executed or made by a person whose right, title or interest, is transferred, the [1][Federal Government] or any authority or person authorized by it in this behalf, may, execute such document or make such endorsement, and any document so executed and endorsement so made shall be deemed to have been executed and made by the person whose right, title or interest is so transferred, and shall be conclusive proof of such transfer for all purposes.

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[1] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for the "Central Government".

(5) In this section, and in Section 11A, the expression "expenses of the sale" shall include expenditure incurred in connection with any dispute arising out of the sale, and such other expenditure as the [1][Federal Government] may determine to be such expenses.

(6) The provisions of this section and Sections 11A and 11B shall have effect notwithstanding anything to the contrary contained in any law other than this Act, or in any instrument, deed or document.

(7) For the removal of doubt it is hereby declared that where a person appointed under sub-section (1) of Section 11A is required to exercise the powers or perform the duties of the Board of Directors of a company, the provisions of the Companies Act, 1913, shall, as respects duties not expressly set forth in the order under subsection (1) of Section 11A, not apply to him.]

[2][12. Regulation of publication of certain matters.— (1) Where the [1][Federal Government] is satisfied that In the interest of the defence, the external affairs or the security of Pakistan it is necessary so to do, the [1][Federal Government] or any [3]authority empowered by it In this behalf may, by order addressed to a printer, publisher or editor, or printers, publishers or editors generally, require that all matter relating to a particular subject or class of subjects affecting the defence, the external affairs or the security of Pakistan shall

before being published in any document or class of documents, be submitted for scrutiny to any authority specified in the order, who shall, within seventy two hours of its submission,

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[1] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for "Central Government".

[2] Subs. by the Security of Pakistan (Amdt.) Act, 1965 (14 of 1965), s. 7 for s. 12, as amended by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958), the Repealing and Amending Ordinance, 1961 (1 of 1961), the Security of Pakistan (Second Amendment) Ord., 1961 (23 of 1961) and the Repealing and Amending Ordinance, 1965 (10 of 1965), s. 3 and 2nd Sch.

[3] For notifications empowering Provincial Governments to exercise powers specified in section 12 (1), *see* Gaz. of P., 1956, Pt. I, p. 394, and Gaz. of P., 1958, Ext., p. 510.

either approve of [1][its publication or if it is satisfied that It is likely to prejudicially affect the defence, the external affairs or the security of Pakistan, prohibit it]; and no matter the publication whereof has been so prohibited shall be published.

(2) Any person affected by an order under sub-section (1) prohibiting the publication of any matter may, within seven days of the communication of the order, appeal against it [2]* * * to the District Judge of the district in which such person resides:---

Provided that where appeals against the same order have been made by persons who reside in different districts all such appeal shall be [3][preferred] to the senior of the District Judges of such districts.

Explanation.— A person shall be deemed to reside in the district in which he ordinarily resides or carries on business or personally works for gain.

(3) The District Judge to whom [4][an appeal] has been made under sub-section (2) shall, after giving the appellant an opportunity of being heard, consider the appeal as speedily as possible and [5][pass such orders thereon as he may deem fit; and the orders shall be final].

(4) If any person contravenes any order made under sub-section (1), then, without prejudice to any other proceedings which may be taken against such person, the [6][Federal Government] may declare to be forfeited to Government every copy of any document published or made in contravention of such order and any press used in the making of such document].

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[1] Subs. by the Security of Pakistan (Amdt.) Ordinance, 1985 (15 of 1985), s. 2, for "prohibit its publication".

[2] Certain words omitted *ibid.*

[3] Subs. *ibid.*, for "referred".

[4] Subs. *ibid.*, for "a reference".

[5] Subs. *ibid.*, for certain words.

[6] Subs. by the Preventive Detention Laws Amendment Act, 1975, (44 of 1975), s. 2, for "Central Government".

13. Penalties. If any one contravenes any of the provisions of Section 11 or 12 he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

14. Cognizance of offences.— (1) No Court shall take cognizance of any offence under this Act, except on a report in writing by a public servant as defined in Section 21 of the Pakistan Penal Code (XLVof 1860)

(2) Proceedings in respect of an offence under this Act alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being or where the offence or any part thereof was committed.

(3) Notwithstanding anything contained in the Code an offence under this Act shall be triable by a Magistrate of the first Class.

15. Procedure for the trial of offences. Subject to the provisions of the next succeeding section, all offences punishable under this Act shall be tried in accordance with the procedure prescribed for the trial of [1]* cases by Chapter XX of the Code.

16. Offences to be cognizable and non-bailable. Notwithstanding anything contained in the Code, all offences punishable under this Act shall be cognizable and non-bailable ; and no person accused or convicted of any offence punishable under this Act shall, if in custody, be released on bail or on his own bond, unless—

(1) the prosecution has had an opportunity of being heard in respect of the application for such release ; and

(2) where the prosecution opposes the application, the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence.

17. Bar of jurisdiction of Courts. Except as provided in this Act, no order made, direction issued, or proceeding taken under

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[1] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch.

this Act, [1][or purporting to have been so made, issued or taken, as the case may be,] shall be called in question in any Court, and no suit, prosecution or other legal proceedings shall lie against any person for anything done or in good faith intended to be done under this Act, or for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act : Provided that an appeal shall lie against every conviction and sentence passed under Section 3(5)(b), 3(6), 4(2) and 13 of this Act, in the same manner and subject to the same limitations as against a conviction and sentence passed by a First Class Magistrate, under the Code [2]* * *.

18. [*Delegation of powers.*] *Omitted by the Repealing and Amending Ordinance, 1965 (10 of 1965), Section 3 and 2nd Schedule.*

19. Power to make rules.— (1) The [3][Federal Government] may make [4]rules, not inconsistent with the provisions of this Act (V of 1898), to carry into effect the purposes thereof [5]* * *.

(2) All rules made under this section shall be laid before the [6][National Assembly] as soon as may be after they are made.

20. [*Repeal and savings, etc.*] Omitted by the Federal Laws (Revision and Declaration) Ordinance,1981 (27 of 1981), *s. 3 and 2nd Sch* .

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[1] Ins. by the Security of Pakistan (Second Amdt.) Ordinance, 1959 (29 of 1959), s. 5.

[2] The words "of Criminal Procedure, 1898" omitted by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958), s. 12.

[3] Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 2, for "Central Government".

[4] For the (Security) Detention Rules, 1954, *See* Gaz. of P., 1954, Pt. I, p. 137.

[5] Certain words omitted by Act 44 of 1975, s. 2.

[6] Subs. by the Security of Pakistan (Amdt.) Act, 1958 (13 of 1958), s. 14, for "Parliament" which had been subs. by the Adaptation (Security Laws) Order., 1956 (P.O. No. 8 of 1956), Art. 2 and Sch., for "Central Legislature" (*w.e.f. 23rd March, 1956*).

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