

(First published, after having received the assent of the Governor-General, in the *Sind Government Gazette* on the 28th March 1947.)

*An Act to empower the Provincial Government to detain certain Hurs.*

WHEREAS a number of Hurs have been detained under the Sind Hurs Detention Ordinance, 1946; Sind Ordinance I of 1946.

AND WHEREAS it is necessary to detain without trial such Hurs until arrangements can be made for their reception in settlements established under the Criminal Tribes Act, 1924; VI of 1924.

AND WHEREAS it may become necessary to detain other Hurs without trial; It is hereby enacted as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Sind Hurs Detention Act, 1947.

(2) It extends to the whole of the Province.

(3) This section shall come into force at once; the remaining sections shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint, and shall remain in force for a period of one year; but the Provincial Government may before the expiry of the said period of one year by like notification direct that they shall remain in force for a further period of one year.

Definitions.

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

(a) "District Magistrate" includes an Additional District Magistrate.

(b) "Hur" means a member of the criminal tribe of Hurs or Lurs registered under the Criminal Tribes Act, 1924; VI of 1924.

(c) "Ordinance" means the Sind Hurs Detention Ordinance, 1946;

(d) "Province" means the Province of Sind.

Power to  
detain Hurs.

3. (1) Where the Provincial Government is satisfied that the detention of any Hur is necessary with a view to preventing him from acting in any manner prejudicial to the maintenance of public order in the Province it may make an order directing that he be detained.

(2) So long as there is in force in respect of any Hur an order referred to in sub-section (1), he shall be liable to be removed to and detained in such place and under such conditions, including conditions as to discipline and the punishment of offences and breaches of discipline, as the Provincial Government may, from time to time, by general or special order specify.

Delegation  
of powers.

4. The Provincial Government may by an order direct that the powers conferred upon it by sub-section (1) of section 3 shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised by any officer subordinate to it not lower in rank than a District Magistrate.

Order of de-  
tention made  
in pursu-  
ance of  
delegation  
under sec-  
tion 4 to be  
reported to  
Government.

5. When an order is made in respect of any person under sub-section (1) of section 3 by an officer empowered in pursuance of section 4 that officer shall forthwith report the facts to the Provincial Government.

Review of  
order made  
under section  
3 by District  
Magistrate.

6. The case of every Hur detained under section 3 shall, as soon as may be after the order of detention is made, be examined by the District Magistrate of the district where such Hur ordinarily resides. The District Magistrate shall give to every such Hur a reasonable opportunity of examining any witnesses which he may like to examine in his defence and shall furnish him with the information against him on the strength of which he has been detained and generally hear him with respect to his case. The District Magistrate shall then make an order either releasing the Hur or authorising his further detention until the Provincial Government has made an order in respect of such Hur under sub-section (2) of section 9.

Grounds of  
order of  
detention to  
be disclosed  
to person  
affected by  
the order.

7. (1) Where an order is made under sub-section (1) of section 3, the authority making or which made the order shall within one week after the order is made, communicate to the person affected thereby, so far as such communication can be made without disclosing facts which the said authority considers it would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in the opinion of such authority sufficient

to enable him to make if he wishes a representation against the order, and such person may at any time thereafter make a representation in writing to such authority against the order, and it shall be the duty of such authority to inform such person of his right of making such representation and to afford him the earliest opportunity of doing so.

(2) The person affected by the order shall be given an opportunity to consult his relatives, friends or an advocate in preparing his representation or having it prepared.

Operation of orders made under Ordinance I of 1946.

8. (1) Every order having effect by virtue of sub-section (1) of section 7 of the Ordinance and in force immediately before the commencement of this Act shall be deemed to have been made under sub-section (1) of section 3 and as if that sub-section had been in force at the time the order was made :

Provided that in relation to any such order—

(a) it shall not be necessary to comply with the provisions of section 9 in any case where the order has, before the coming into operation of that section, been reviewed by Judges appointed by the Provincial Government for that purpose ;

(b) compliance made or deemed to have been made with the provisions of section 5 or section 6 of the Ordinance shall be deemed to be a compliance with the provisions of section 5 or 7, as the case may be ;

(c) any extension of the duration of the order made or deemed to have been made under the Ordinance shall be deemed to have been made under the proviso to section 10.

(2) Nothing in the foregoing provisions of this section shall apply to any such order which has already been cancelled by or in consequence of an order of a competent court.

Scrutiny of cases by two judges.

9. (1) Within one month from the date of an order made under sub-section (1) of section 6 authorising the further detention of a Hur or, when an order of detention is deemed under section 8 to have been made under sub-section (1) of section 3, within three months from the date on which this section comes into force, the Provincial Government shall place before two persons, nominated by it, who shall be Judges having exercised for at least five years the powers of a Sessions Judge or an Additional Sessions Judge, the material facts and circumstances in its possession on which the order has

been based or which are relevant to the enquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession and a statement of the grounds and particulars communicated to such person under section 7 and a copy of the representation, if any, made by him. The said Judges shall communicate to the detained Hur the substance of the accusation made against him (without disclosing the identity of any witnesses for the prosecution), allow him a reasonable opportunity of obtaining legal advice and examining any witnesses which he may like to examine. The said Judges shall then consider the material placed before them in compliance with the provisions of this sub-section, and shall report to the Provincial Government whether or not in their opinion there is lawful and sufficient cause for the order of detention.

(2) On receipt of the said report, the Provincial Government shall consider the same and shall pass such order thereon as appears to the Provincial Government to be just or proper.

(3) Nothing in this section shall entitle any Hur against whom an order has been made under sub-section (1) of section 6 authorising his further detention or any Hur against whom an order is deemed to have been made under sub-section (1) of section 3 to appear by a pleader in any matter connected with the reference to the said Judges and the proceedings and the report of the said Judges shall be confidential.

Duration of  
orders of  
detention  
made under  
section .

10. (1) No order made or deemed under the provisions of section 8 to have been made under sub-section (1) of section 3 shall be in force for more than six months from the date on which it is made :

Provided that the Provincial Government may, after a further consideration of all the circumstances of the case and at any time within thirty days before the expiry of the said six months, direct by an endorsement on the original order or otherwise that the order shall continue in force and the order as so extended shall continue in force for a further period of six months and thereafter if and so often as it is again extended by a further similar direction made in the same manner.

(2) When an order of detention is continued under sub-section (1) for two consecutive periods of six months each, it shall be necessary to make a fresh reference for the scrutiny of the order under section 9.

Disclosure of grounds of detention, etc., communicated or contents of written representation made under section 6.

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11. (1) No court shall, except for the purposes of a prosecution for an offence punishable under sub-section (2) allow any statement to be made or any evidence to be given before it of the substance of any communication made under section 7 of the grounds on which any order referred to in that section has been made against any Hur, or of any particulars disclosed in connection therewith under that section, or of any representation made under that section, and, notwithstanding anything contained in the Indian Evidence Act, 1872, no court shall be entitled to require any public officer to produce before it, or to disclose the substance of, any such communication of grounds, particulars disclosed, or representation made.

I of 1872.

(2) It shall be an offence punishable with imprisonment for a term which may extend to two years, or with fine, or with both, for any person to disclose or publish without the previous authorisation of the Provincial Government any contents or matter purporting to be contents of any such communication of grounds, particulars disclosed, or representation made:

Provided that nothing in this sub-section shall apply to disclosure made by a person the subject of an order under sub-section (1) of section 3 to his legal adviser or his friend or relation called by him for consultation for preparation of representation under section 7.

Repeal of Suid Ordinance I of 1946.

12. The Ordinance is hereby repealed but any order made, direction given, thing done or action taken under the said Ordinance shall be deemed to have been made, given, done or taken under the corresponding provisions of this Act as if this Act had come into force on the 28th day of September, 1946.