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NEW DELHI, WEDNESDAY, JULY 2, 1947

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

New Delhi, the 2nd July, 1947

ORDINANCE No. IX OF 1947

AN
ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas of the North-West Frontier Province.

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of the North-West Frontier Province ;

AND WHEREAS the Indian Legislature is not in session ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the North-West Frontier Province Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of the North-West Frontier Province.

(3) It shall come into force at once.

2. Special powers of officers of military or air forces.—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area for the time being declared by notification under section 3 of the North-West Frontier Province Disturbed Areas Ordinance, 1947, to be a disturbed area—

(a) exercise the powers conferred by section 5 of the said Ordinance upon a police officer not below the rank of an Assistant Sub-Inspector ;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence ;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. Protection of persons acting under this Ordinance.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

MOUNTBATTEN OF BURMA,
Viceroy and Governor General.

SHAVAX A. LAL,
Secy. to the Govt. of India.