

Preventive Detention Act, 1950

Section 3 - POWER TO MAKE ORDERS DETAINING CERTAIN PERSONS

1) The Central Government or the State Government may- (a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to- (i) the defence of India, the relations of India with foreign persons, or the security of India, or (ii) the security of the State or the maintenance of public order, or (iii) the maintenance of supplies and services essential to the community; or (b) if satisfied with respect to any person who is a foreigner within the meaning of the Foreigners Act, 1946-(31 of 1946), that with a view to regulating his continued presence in India or with a view to making arrangements for his expulsion from India it is necessary so to do, make an order directing that such person be detained. (2)6[Any of the following officers, namely : (a) District Magistrates, (b) Additional District Magistrates specially empowered in this behalf by the State Government, 7[(c) the Commissioner of Police for Bombay, Calcutta, Madras or Hyderabad, (d) Collectors in the 8[territories which immediately before the 1st November, 1956, were comprised in the State of Hyderabad], may] if satisfied as provided in sub-clauses (ii) and (iii) of Cl. (a) of sub-section (1), exercise the power conferred by the said subsection. (3) When any order is made under this section9[by any officer mentioned in sub-section (2)] he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as in his opinion10[have a bearing on the matter, and no such order made after the commencement of Preventive Detention (Second Amendment) Act, 1952 (61 of 1952), shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government.] 11[(4) When any order is made or approved by the State Government under this section, the State Government shall, as soon as may be, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in the opinion of the State Government has a bearing on the necessity for the order.]