

## THE AZAD JAMMU AND KASHMIR CIVIL DEFENCE RULES 1962

(Passed under Government order No. 580/62 dated 24-11-1962)

In exercise of the powers vested in it under Section 3 of the Azad Jammu and Kashmir Civil Defence Act, 1951, the Azad Government of

the State of Jammu and Kashmir is pleased to make the following rules :-

1. Short title:- These Rules may be called the Azad, Jammu and Kashmir Civil Defence Rules, 1962.

2. Interpretation:- In these rules the expression 'Government' means the Azad Government of the State of Jammu and Kashmir.

3. Constitution of Air Raid Precaution Services and Civil

Defence Services:- The Government may constitute for any area a body to be called an Air Raid Precautions Service of Civil, Defence Service, and may appoint a person, hereinafter called the Controller, to command such body in such area.

4. Appointment of members and Officer:- (1) Any authority, authorised in this behalf by the Government, may appoint as members of an Air Raid Precautions Service or Civil Defence Service so many person who are fit and willing to serve as such as it is authorized by the Government to appoint and the Controller may appoint any such member to any office of Command in the service.

(2) Every person so appointed to be a member of an Air Raid Precaution Service Or Civil Defence Service shall be given a certificate of membership in such form as may be prescribed.

5. Dismissal of member:- The Controller, or any other authority authorised in this behalf by the Government, may by order in writing dismiss summarily from an Air Raid, Precautions Service or a Civil Defence Service any member thereof if, in the opinion of the Controller or such other authority, he fails to discharge satisfactorily his duties as such member, or is guilty of misconduct in the discharge of his duties as such member, or his continued presence in the Service is otherwise undesirable.

6. Functions of members:- (1) The members of an Air Raid

Precautions Service or Civil Defence Service shall perform such functions in relation to the carrying out of measures for civil Defence as may be assigned to them by or under the Azad Jammu and Kashmir Civil Defence Act, 1951, or these rules, or any other law for the time being in force.

(2) The Controller or any person authorised in this behalf by the Controller or by the Government may at any time call out a member of an Air Raid Precautions Service or a Civil Defence Service for training or discharging any such functions as aforesaid.

(3) If any member of an Air Raid Precautions Service or a Civil Defence Service, on being called out under sub-rule (2), without sufficient excuse, neglects or refuses to obey such order or to discharge his functions as a member of the Air Raid Precautions Service or the Civil Defence Service or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent Court, be punishable with imprisonment which may extend to six months, or with fine, or with both.

(4) If any person contravenes any order made under these rules, he shall be punishable with fine which may extend to five hundred rupees.

Keeping of dangerous articles and substances:- (1) The Government may, by order in respect of any articles or substances from the explosive or inflammable nature of which special precautions are in the opinion of the Government necessary or expedient for securing the public safety, issue directions :

(a) prohibiting the keeping of such articles or substances in or on such premises as may be specified in the order;

(b) prescribing the quantity of such articles or substances which, may be kept in or on any premises ;

(c) requiring the owner, or occupier of any premises in or on which such articles or substances are kept to take such measures as may be specified in the order for the protection, of persons or property therein or thereon, or in the vicinity thereof ;

(d) for any incidental or Supplementary matters for which the Government thinks it expedient for the purposes of the order to provide, including in particular the entering and inspection, of premises to which the order relates with a view to securing compliance with the order.

(2) If in the opinion of the Government, any person who has been ordered under sub-rule (1) to take any measures has failed to take or is unlikely to complete the measure within, the period specified in the order, then without prejudice, to, any other proceedings which may be taken in respect of the contravention of the order, the Government may cause the said measures to be taken or completed, and the cost thereof shall be recoverable from the owner or occupier, of the premises by the Collector as if it were an arrear of land revenue.

(3) If any person contravenes any order made in pursuance of this rule, he shall be punishable within imprisonment for a term which may extend to six months, or with fine, or with both.

Watching of premises to detect fire:- (1) The Government may by general or special order make provisions :-

(a) For requiring the occupier of any premises to which the order applies to make and carry out arrangements as may be specified in the order with a view to securing that fires occurring at the premises as a result of hostile attack will be immediately detected and combated;

(b) for requiring the occupiers of several premises jointly to make and carry out such arrangements as aforesaid for all those premises, and in particular for requiring that they shall take turns of duty at specified premises and perform such fire prevention duties as may be allotted to them under those arrangements;

(c) for empowering any authority, in such circumstances as may be specified in the order, to make and carry out such arrangements as aforesaid including a joint arrangements as respects any premises to which the order applies and where it carries out such arrangements, to recover from the occupiers concerned the expenses, of so doing.

Explanation:- In clause (b) of this sub-rule 'fire prevention duties' means the duties of keeping a watch for the outbreak

of fire, taking such steps as are immediately practicable to combat a fire and summoning such assistance as may be necessary and. includes the duty of being in readiness to perform any such duties as aforesaid.

(2) An order under sub-rule (1) shall entitle any person required thereby, to be present on premises to which the order applies to have access to these premises for the purpose of complying with the order, notwithstanding that the premises would not otherwise be open to the public, and anyone who obstructs access thereto by any such person for that purpose shall be deemed to contravene the provisions of the order.

(3) Any Police Officer, or any other person authorised in this behalf by the Government, may at any time enter and inspect any premises to which any order made under sub-rule (1) applies for the purposes of seeing whether the order is being complied with.

(4) If any person, contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which, may extend to six-months, or with fine, or with both.

Measures for dealing with outbreak of fire:- (1) With a view to preventing the spread, or facilitating the detection and extinction of fire, the Government may by order make provision for requiring the owners or occupiers of the premises to which the order applies to take within such period as may be specified in the order such measures as may be specified.

(2) Any Police Officer, or any person authorised in this behalf by the Government, may at any time enter and inspect any premises to which an order under sub-rule (1) applies for the purpose of seeing whether the order has been complied with ; and if that Officer or person finds that the order has not been complied with, he may, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, take such steps and use such force as may appear to him to be reasonably necessary for giving effect to the order.

(3) If in the opinion of the Government, any person who has been ordered under sub-rule (1) to take any measure has failed to take or is unlikely to complete the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention

10.

11.

772

772

of the order, the Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable from the owner or occupier of the premises by the Collector as if it were an arrear of land revenue.

(4) In the event of any outbreak of fire, any person authorised in this behalf by the Government, may take or cause to be taken such steps and give such directions as appear to him to be necessary for preventing the spread of fire; and the steps which may be so taken include entering upon any land or other property whatsoever and the destruction or removal of anything in, on or over any land or property.

(5) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

Security of buildings:- (1) The Government may by order, as respects any area specified in the order provide for securing, that subject to any exemptions for which provision may be made in the order, no building or no building of such class as may be specified in the order, shall be erected, or structurally altered except with the permission of the Government and in accordance with such requirement as to layout, materials and construction as the Government may impose, being requirements which it is in the opinion of the Government necessary to impose for the purpose of rendering the building more secure or of affording better protection to persons using or resorting to it.

(2) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Protection of cities and towns against fire, etc:- (1) The Government may, with a view to ensuring the protection of any city or town against fire explosion or any other calamity, by order or notified order provide for precautionary measures (including arrangements for coordinating the fire-fighting, water supply and conservancy services and local authority concerned) to be taken by any local authority having jurisdiction in any such city, town or place, and the owners or occupiers of any premises situate in such city, town or place; and thereupon:

(a) It shall be the duty of local authorities and all persons concerned including public servants, members of Armed Forces and officers and servants of local authorities to comply or act in conformity with the order ;

(b) the funds of the local authorities shall be applicable to the payment of charges and expenses incidental to such compliances ;

(c) priority shall be given to such compliance over all other duties and obligations of the local authorities.

(2) If any fire, explosion or other calamity occurs in any city or town there shall be placed at the disposal of any authority appointed in this behalf by the Government such of:-

(a) the fire-fighting, water-supply and conservancy services of any local authority having jurisdiction in any such city, town or place, together with the personnel employed in operating such services ;

(b)

S

the fire-fighting personnel and appliances maintained by any owner or occupier of premises in such city, town or place as the authority so appointed may require, and such local authority, owners or occupiers and personnel shall comply with any orders given by the said authority.

(3) If any person contravenes any provision of this rule or fails to comply or act in conformity with any order made or given thereunder, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(4) Nothing in this rule or in any order made or given thereunder shall be deemed to affect the discharge by any \_ other law for the time being in force of extinguishing fire and of protecting life and property in the event of fire within any such city, town or place as aforesaid.

Protection of factories and mines:- (1) The Government may, by order, require the owner, manager or agent of any mine, or the occupier or manager of any factory:

(a) to make, within such period as may be specified in the order, a report in writing stating the measures which he has taken or is taking or proposing to take to secure the due



functioning of the mine or factory and the safety of persons and property therein and in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise ;

(b) to take within such period as may be specified in the order, such measures as may be so specified, being, measures the taking of which is in the opinion of the Government, necessary for the purposes aforesaid.

(2) The Government may by order require any person or class of persons employed in or in connection with or resident within three miles of, any mine or factory or class of mines or factories or any local authority within whose jurisdiction any mine or factory is situate to take, within such period as may be specified in the order, such measures as may be so specified being measures the taking of which is in the opinion of the Government necessary to secure the due functioning of such mine or factory, or class of mines or factories and the safety of persons or property therein or in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise.

(3) Any person authorised in this behalf by the Government may at any time :

(a) enter and inspect any factory or mine for the purpose of ascertaining what measures have been or ought to be, taken to secure the due functioning of the mine or factory and the safety of persons and property therein and in the vicinity thereof, in the event of an outbreak of fire, whether caused by accident or otherwise ; or

(b) enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the Government, any person or authority who has been ordered under sub-rule (1) or sub-rule (2) to take any measures has failed to take or is unlikely to complete the measures within the period specified in the order, then without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable by the Collector as if it were an



arrear of land revenue from such person or authority or where such person is the manager or agent of a mine or the manager of a factory, from the owner of the mine or as the case may be, the occupier of the factory.

(5) For the purposes of this rule:

(i) "Mine" means any mine subject to the operation of the law relating to mines ;

(ii) 'Factory' means any factory subject to the law relating to factories and includes any other premises which in the opinion of the Government are being used for maintaining supplies or services essential to the life of the community.

(6) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Removal of Companies records to places of Safety:- The Government may if it considers necessary in the interests of Civil Defence so to do, by notified order, declare the provisions of this rule to apply to any local area specified in the order; and thereupon so long as the order remains in force, it shall be lawful, not with standing anything contained in the Companies Act:

(a) for the Registrar to remove from any registration office situate within that area all or any of the documents concerned with the registration of companies, keep them in such place of safety as he may think fit, and suspend the inspection thereof and the grant of any certificate, certified copy of extract therefrom under the said Act ;

(b) for any company the registered office of which is situate in that area to remove from the registered office all or any of its registers, books of accounts and other documents and keep them in such place of safety as the Directors of the Company may think fit;

Provided that any company removing any of its documents under this rule shall, either before such removal or as soon as practicable thereafter, give notice of the removal to its members and to the Registrar.

Power to require focal authorities to take pre-cautionary measures:- (1) The provisions of this rule and of any order made thereunder shall have effect, notwithstanding anything contained in any law or instrument defining the powers, duties or obligations of a local authority.

(2) The Government may, by order, require any local authority to take within such period as may be specified in the order, such measures as may be so specified, being measures which are, in the opinion of the Government, necessary for the protection of persons and property under the control or within the jurisdiction of such authority from injury or damage, or for ensuring the due maintenance of the vital services of the authority; and thereupon:-

(a) it shall be the duty of the local authority to comply with the order ;

(b) the funds of the local authority shall be applicable to the payment of the charges and expenses incidental to such compliance ; and

(c) priority shall be given to such compliance over all other duties and obligations of the local authorities.

(3) If in the opinion of the Government, any local authority which has been ordered under sub-rule (2) to take any measures has failed to take or is unlikely to complete the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the Government may authorise any person to take or complete the said measures ; and any person so authorised may, for the purpose of taking or completing the said measures, exercise all or any of the powers of the local authority or of its officers, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency and all charges and expenses incurred by him shall; except to such extent, if any, as the Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.

(4) Any person authorised in this behalf by the Government may, if he considers it necessary or expedient so to do:

(a) by order direct a local authority or any of its officers or servants to take such action as may be specified in the order, being action which is in his opinion necessary for the purposes of Civil Defence for the protection of persons and property under the control or within the jurisdiction of the local authority ;

(b)

S

impress and use or cause to be used for the aforesaid purpose any property belonging to or in the possession of the local authority in such manner as he thinks fit ;

and it shall be the duty of the local authority and of its officers and servants to comply forthwith with any order made under this rule, and the funds of the local authority shall be applicable to the payment of any charges and expenses incidental to such compliance.

(5) The Government may, if it considers it necessary or expedient so to do, by order authorise any person to take over from a local authority and administer in accordance with such directions as may be issued from time to time by the Government such of the services of the local authority as may be specified in the order: and any person so authorised may, for the purpose of administering the said services exercise all or any of the powers of the local authority, of any committee or officer of the local authority, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency, and all charges and expenses incurred by him shall, except to such extent, if any, as the Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.

(6) If the Government is of the opinion that any local authority has failed to comply, or has delayed in complying, with any order made under sub-rule (3) or that it is necessary or expedient so to do for ensuring the due maintenance of vital services of the authority, the Government may by order supersede the local authority for such period as may be specified in the order.

(7) When an order of supersession has been made under sub-rule

(6):

(a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members ;

15.

778

778

(b) all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the local authority shall, during the period of supersession, be exercised and performed by such person or persons as the Government may direct ;

(c) all property vested in the local authority shall, during the period of supersession, vest in the Government.

(8) On the expiration of the period of supersession specified in the order under sub-rule (6), the Government may :-

(a) extend the period for such further term as it may consider necessary ;

(b) by order direct that the local authority shall be reconstituted in the manner provided for the constitution of the authority by or under the ordinary law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-rule (7) shall not be deemed disqualified for election, appointment or nomination ; or

(c) by order direct that the local authority shall be reconstituted by the persons who vacated their offices under clause (a) or sub-rule (7) and shall recommence functioning as if it had not been superseded :

Provided that the Government may at any time before the expiration of the period of supersession whether as originally specified under sub-rule (6) or as extended under this sub-rule take action under clause (b) or clause (c) of this sub-rule.

Maintenance of water supply:- (1) The Government may by order require the owner, or any person having control, of any source of water supply which is or is capable of being used for drinking purposes:-

(a) to keep the same in good order; clear it from time to time of silt, refuse and decaying vegetation and protect it from contamination in such manner as may be specified in the order;

(b) to make the same available at all reasonable times for the use of the public or of such section of the public as may be

16.

17.

779

specified in the order.

(2) Any person authorised in this behalf by the Government may at any time inspect any source of water supply, in respect of which an order under sub-rule (1) has been made, for the purpose of seeing whether the order has been or is being complied with.

(3) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to one month or with fine, or with both.

Shelters:- (1) If in respect of any premises the Government considers it necessary or expedient so to do for the purpose of affording protection to persons living or employed there-in or thereon, the Government may by order require the owner of the premises to construct therein or thereon such shelters, within such period and in accordance with such requirements as to lay out, materials and construction as may be specified in the order.

(2) Any Police Officer, or any person authorised in this behalf by the Government, may at any time enter and inspect any premises to which an order under sub-rule (1) applies for the purposes of seeing whether the order has been complied with.

(3) If in the opinion of the Government any person who has been ordered under sub-rule (1) to construct an air-raid shelter has failed to do so, or is unlikely to complete doing so within the period specified in the order, the Government may cause the shelter to be constructed, and the cost thereof shall be recoverable from the owner of the premises by the Collector as if it were an arrear of land revenue.

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

Power to exempt air raid shelters from Municipal taxation:-  
The Government may by order direct that any site or premises on which a shelter is or has been constructed shall, on being certified by an officer appointed in this behalf by the Government, be exempted from any tax or rate, or from any enhancement of any tax or rate levied by a local authority to which the site or premises would have been liable if the shelter has not been constructed.

779

18.

19.

780

780

Safety measures in premises:- (1) The Government may by order, as respects such premises as may be specified in the order:

(a) require the owner or the occupier of the premises to take such measures as may be specified in the order ; or

(b

S

authorise any person to take such measures for the purposes of Civil Defence as may be so specified, being measures which are in the opinion of the Government necessary to minimise, danger to persons being in or in the vicinity of such premises.

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

Control of lights and sounds:- (1) The Government may by order provide:-

(a) for prohibiting or regulating the display of lights of any specified description ;

(b) for the screening of any lighting apparatus, whether for the time being alight or not, carried on, or attached to, any specified class of vehicles ;

(c) for securing that, in specified circumstances, indication of the position of such, premises and places and warning of the presence of such vehicles and vessels as may be specified shall be given by means of such Sights as may be specified and for prescribing the manner in which an y apparatus used for the purposes of exhibiting such lights is lo be constructed, installed or used ;

(d

LS

for prohibiting or regulating the use of roads by any particular class of traffic so far as appears to it to be necessary for avoiding danger consequent on compliance with provisions of an order made under this rule which relate to the lighting of roads or of vehicles on roads ;

(e) for prohibiting or regulating such activities as may be specified, being activities which consist of or involve the emission of smoke, flame, sparks or glare or the making of noise.

(2) An order under sub-rule (1) may be made so as to apply to any specified area or premises, may make different provisions as respects different parts of an area of different classes of premises, places, vehicles or vessels therein, may provide for exempting any premises, places, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the authority making the order to be necessary or expedient for the purposes of the order.

(3) If any order made under sub-rule (1) is contravened in respect of or in relation to any light, premises, places, vehicles, vessels, apparatus, road or activity to which the order applies, any police officer or any person authorised in this behalf by the authority making the order may take such steps and use such force as may, in his opinion, be reasonably necessary for giving an effect to the order, and in the exercise of his power shall have a right of access to any land or other property whatsoever.

(4) If any order made under this rule is contravened in respect of any premises, place, vehicles, or vessels, the occupier of the premises or place, the person in charge of the vehicle, or the master of the vessels, as the case may be, shall (without prejudice to any proceedings which may be taken against any other person) be deemed to have contravened the provisions of this rule :

Provided that in any proceedings which by virtue of this sub-rule are taken against any person in respect of a contravention of such an order on the part of another person, it shall be a defence for the accused to prove that the contravention or non-compliance occurred without his knowledge or consent.

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

Control of Motor Vehicles:- (1) The Government may by order provide for requiring motor vehicles, or any class of motor vehicles, to be rendered, when not being driven, incapable of use by unauthorised persons and any such order may contain provisions with respect to the manner in which vehicles are to be rendered incapable of use as aforesaid.



21.

782

782

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

Requisitioning of property:- (1) If in the opinion of the Government it is necessary or expedient so to do for securing civil defence the Government may by order in writing requisition any property, movable or immovable and may make such further orders as appear to the Government to be necessary or expedient, in connection with the requisitioning :

Provided that the property or class of property specified below shall not be requisitioned under this rule :-

(a) property used for the purpose of religious worship ;

(b) any machinery, plant, material or thing used for the operation, manufacture, repair or maintenance of aircraft.

(2) Where the Government has requisitioned any property under sub-rule (1), it may use or deal with the property in such manner as may appear to it to be expedient, and may acquire it by serving on the owner thereof, or where the owner is not readily traceable of the ownership, is in dispute, by publishing in the Official Gazette, a notice stating that the Government has decided to acquire it in pursuance of this rule.

(3) Where a notice of acquisition is served on the owner of the property or published in the Official Gazette under sub-rule (2) then at the beginning of the day on which the notice is so served or published, the property shall vest in Government free from any mortgage, pledge, lien or other similar encumbrance, and the period of the requisition thereof shall end.

(4) Whenever in pursuance of sub-rule (1) or sub-rule (2) the Government requisitions, or acquires any movable property, the owner thereof shall be paid such compensation, as the Government may determine :

Provided that where immediately before the requisition, the property was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined by Government as the total compensation payable in respect of the requisition or acquisition shall be apportioned between that person and the owner in such manner as they may

agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Government in this behalf may decide to be just.

(5) The Government may, with a view to requisitioning any property under sub-rule (1) or determining the compensation payable under sub-rule (4), by order :-

(a) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to the property as may be so, specified;

(b) direct that the owner, occupier or person in possession of the property shall, not, without the permission of Government, dispose it of, or where the property is a building, structurally alter it, till the expiry of such period as may be specified in the order.

(6) Without prejudice to any powers otherwise conferred by these rules, any person authorised in this behalf by the Government may enter any premises and inspect such premises and any property therein, or thereon for the purpose of determining whether and, if so in what manner an order under this rule should be made in relation to such premises or property, or with a view to securing compliance with any order made under this rule.

(7) If any person contravenes any order-made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Powers relating to storage accommodation:- (1) The Government may, by order in writing, require the owner, or the person having the management of any warehouse or cold-storage depot to place at the disposal of Government the whole or any part of the space or accommodation available in such warehouse or cold-storage depot and to employ such space or accommodation for the storage of any articles or things specified in the order; and such an order may require the said owner or person to afford such facilities, and maintain such services, in respect of the storage of, such articles or things as may be specified.

(2) Whenever in pursuance of an order made under sub-rule (1), any space or accommodation in a warehouse or cold-storage

23.

784

784

depot is placed at the disposal of the Government, the owner of such warehouse or cold-storage depot shall be paid therefore at such rates as the Government may, by order made in this behalf, determine.

(3) The Government may, with a view to requisitioning any space or accommodation under sub-rule (1) or to determining the compensation payable therefore by order require any person to furnish to such authority as may be specified in the order such information in his possession as may be so specified.

(4) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

Power to arrest and detain suspected persons:- (1) The Government, the District Magistrate or any servant of the Government authorised in his behalf by a general or special order of the Government may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting or is about to act in a manner prejudicial to the defence or security of Azad Kashmir or is otherwise a suspected person, arrest such person without warrant or may direct the arrest without warrant, of such person and in making such arrest any means that may be necessary may be used.

(2) Any arrest made by or on the direction of any authority under sub-rule (1), other than the Government or the District Magistrate, shall be reported forthwith to the District Magistrate by the authority so making or so directing the arrest, as the case may be.

(3) The authority making or directing the arrest may be order in writing commit any person so arrested to such custody as it may think proper for a period not exceeding fifteen days and the District Magistrate may further extend the period of detention by another fifteen days and may commit him to such custody as he deems necessary.

(4) No person shall, unless the Government by special order otherwise directs, be detained in custody for a period exceeding one month.

(5) No person shall be so detained in custody for a period exceeding six months provided that the Government may extend

24.

25.

785

the same from time to time.

(6) If the authority empowered to direct or make arrest has reason to believe that a person in respect of whom such an order as aforesaid has been made directing that he be arrested has absconded or is concealing himself so that the order cannot be executed, he may make a report to a Magistrate of the 1st Class having jurisdiction in the place where the said person ordinarily resides; and thereupon, the provisions of Sections 87, 88 and 89 of the Criminal Procedure Code, shall apply in respect of the said person and his property, as if the order directing that he be arrested were a warrant issued by the Magistrate.

Explanation:- The expression suspected person' shall include :

(a) a person who is suspected of a prejudicial act as defined in the Civil Defence Act or of activities intended to assist the enemy; or

(b) who has entered the Azad Jammu and Kashmir territory with the intention of conducting himself in a manner prejudicial to the defence or security of the State.

Power to interrogate:- (1) Any authority or officer empowered to make or direct an arrest under these rules may interrogate or allow the interrogation of any such arrested or detained person by any other authority if in the opinion of such authority or officer such interrogation is likely to lead to the discovery of information which may help the effective defence or security of the State.

(2) Such person shall be bound to answer all questions pertaining to the subject of enquiry under the proceeding clause.

Power to control suspected persons:- (1) The Government, or the District Magistrate, if satisfied with respect to a suspected person, that with a view to preventing him from acting in a manner prejudicial to the defence or security of the state, it is necessary so to do, may, by order in writing, give any one or more of the following directions, namely that such person:

(a) shall not enter, reside or remain in any area that may be specified in the order ;

(b) shall reside or remain in any area that may be specified-in

785

26.

27.

786

786

the order ;

(c) shall remove himself, and shall not return to any area that may be specified in the order ;

(d) shall conduct himself in such manner, abstain from such acts, or take such orders with any property in his possession or under his control, as may be specified in the order ;

(e) shall notify his movements or report himself or both 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.

(2) An order under sub-rule (1) made by the District Magistrate shall not, unless the Government by special order otherwise directs, remain in force for more than three months from the making thereof.

(3) An order made under sub-rule (1) shall be served on the person to whom it relates in the manner provided in the Criminal Procedure Code for service of summons.

Powers of photographing, etc. person:- The Government, the District Magistrate or the servant of the Government authorised to arrest and detain suspected persons under sub-rule (i) of Rule, 23 , may direct that any person in respect -of whom an order has been made under sub-rule (1) of Rule 23 shall :-

(a) allow himself to be photographed and allow his finger and thumb impressions to be taken by an Officer specified in the order ; and

(b) furnish specimens of his hand-writing and signature.

General:- The Government may make any other order or take

any other measure that may be necessary for the defence of the State or for giving effect to the provisions of the Azad Jammu

and Kashmir Civil Defence Act, 1951.