

THE AZAD KASHMIR EMERGENCY POWERS

(AMENDMENT) ACT, 1958

(Passed under Council Order No. 585/58 Dated 19-12-1958)

Whereas it is necessary to amend the Azad Kashmir Emergency Powers Act, 1958, it is hereby enacted as follows :-

1.

(i) This Act may be called the Azad Kashmir Emergency

Powers (Amendment) Act, 1958.

(ii) It applies to the whole of the Azad Kashmir Territory and

shall come into force at once.

The Azad Kashmir Emergency Powers Act, 1958, is amended as follows :-

(i) In sub-section (1) of Section 2, the full-stop shall be deleted

and the words or for eradicating inefficiency, corruption and nepotism and curbing other anti-State and antisocial activities or as may be considered necessary by the Government for the good of the general public, shall be added.

(ii) The following shall be added as sub-section (3) to Section 2:

'Notwithstanding the punishment provided under Section 13 for contravention of any order or direction under this Act, the Government may specially prescribe punishment for the contravention of any particular order or of any direction given in pursuance of any order under this Act.'

(iii) The following shall be substituted for sub-section (vii) of Section 8 :-

'No person shall smuggle goods or commodity of any kind or attempt to smuggle or abet the smuggling of any such goods or commodity or keep in possession or in any way concern himself in carrying, removing, depositing, concealing or in any other way dealing with any such goods or commodity, knowing it to have been smuggled, without lawful authority, excuse or permission.'

Explanation I :- The expression, 'to smuggle' shall mean 'to

import into' or 'export from! Azad Kashmir Territory across
the border along the cease-fire-line between the Azad

Kashmir Territory and the Indian-occupied part of the State or 'to import' or 'to possess' goods or commodities which were smuggled into Pakistan.

Explanation II:- A person found in possession of smuggled goods shall be presumed to be knowing the same to have been smuggled unless he proves otherwise ".

(iv) In sub-section (i) of Section 10 for the expression "explosive, or sword" the expression "or explosive" shall be substituted.

(v) The following shall be added as Section 6-A, 16-A, 17-A, 18, 19 and 20 in the Act :-

"6-A. (1) No court shall take cognizance of an offence under this Act except upon report in writing of facts which constitute such offence made by any Police Officer or upon complaint of such facts made by any other public servant. ;

(2) No person shall be prosecuted under this Act in respect of an act committed before the 15th October, 1958, but if he is suspected of being an enemy agent and the investigation of his case started before but is completed after 15th October or if he contravenes an order or direction made or given under this Act he shall be liable for prosecution under this Act.

16-A :- Notwithstanding anything contained to the contrary in Sections 497 and 498 of the Criminal Procedure Code or in any other law for the time being in force, no person accused or convicted of an offence made punishable by this Act or by an order under this Act, shall be released on bail or on his own bond, by any court except Special Court constituted under 'the Act.

17-A :- Notwithstanding anything contained to the contrary in any other law for the time being in force, a Court may convict any accused person under any law for the time being in force if it appears in evidence that he committed such offence, although he was not prosecuted for it, whether or not such offence is a minor offence.

18. Any one who attempts to contravene or abets the contravention of the provisions of this Act or of an order or direction made or given thereunder shall be punished as if he had contravened the provisions of this Act.

19. The Government may, by order, direct that any power or duty which under Section 2 is conferred or imposed upon the Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be executed or discharged by any officer or authority.

20. Any authority, officer, or person who is empowered by or directed in pursuance of the provisions of this Act to make any order, or to exercise any other power may in addition to any other action prescribed by or under this Act, take or cause to be taken such steps and use or cause to be used, such force as may be reasonably necessary for securing compliance with or for preventing or rectifying any contravention of such order or for the effective exercise of such power."