

THE AZAD KASHMIR EMERGENCY POWERS  
(AMENDMENT) ACT 1959

(ACT IV OF 1959)

Whereas it is necessary to amend the Azad Kashmir Emergency

Powers Act, 1958, it is hereby enacted as follows :-

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(i) This Act may be called the Azad Kashmir Emergency Powers (Amendment) Act, 1959.

(ii) It shall extend to the whole of the Azad Kashmir Territory and shall come into force at once.

The following shall be substituted for subsection (v) of Section 5 of Azad Kashmir Emergency Powers Act, 1958:-

(v). (a) No appeal shall lie against the orders of the Special Courts constituted under this Act: Provided that a person convicted and sentenced by a Special Court may, within thirty days from the date of the order, submit an application for revision to the High Court.

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The High Court shall, on such an application being made by a convicted person, exercise the powers of revision conferred on a High Court under the Criminal Procedure Code and pass orders accordingly .

The following shall be added .as Section 5-A.and 5-B of the Azad Kashmir Emergency Powers. Act, 1958:-

“S-A Where a sentence of death is imposed by a Special Court constituted under this Act the proceedings shall be submitted to the High Court within seven days for confirmation of death sentence by the President. Azad Kashmir Government. The High Court may after hearing the parties, recommend the case for confirmation of death sentence to the President, Azad Kashmir Government or pass such other order as may be thought fit.

5-B. An application for revision or a reference under Section 5-A for confirmation of death sentence shall be heard and disposed of by a Division Bench consisting of two Judges or a Full Bench consisting of three Judges of the High Court

and the decision of the majority shall prevail. When the

Judges composing the Division Bench are equally divided the opinion of the Senior Judge shall prevail.”

The following shall be substituted for Section 17 of the Azad Kashmir Emergency Powers Act :-

"17.(i) All cases under Section 7 and cases of contravention of the provisions of sub-sections (iv) and (vii) of Section 8 and sub-section (ii) of Section 10 of the Emergency Powers Act shall be tried under the provisions of the said Act.

(ii) No case other than those referred to in sub-section (1) of this Section shall be tried under the Emergency Powers Act unless the District Magistrate directs that the accused be prosecuted under the said Act.”