

THE AZAD KASHMIR FOREIGNERS ORDER OF 1952.

In exercise of the powers conferred by section 3 of the Azad Kashmir Foreigners Act, of 1952, the Azad Kashmir Government is

pleased to make the following order :-

1. Short title, Commencement and extent:- (i) This order may be called the Foreigners Order, 1952

(ii) It extends to the whole of Azad Kashmir

(iii) It shall come into force at once.

2. Definitions:- In this order :

(a) "Registration Officer" means a Registration Officer appointed by the Government and includes any authority authorised by a registration officer in writing to perform the

duties of Registration Officer under this Order ;

(b)

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"Civil authority" means such authority as may be appointed by the Government in this behalf for such area as it thinks fit, and

(c) "Port" means an airport.

3. Powers to grant or refuse permission to enter Azad Kashmir:- (1) No foreigner shall enter Azad Kashmir otherwise than at a port or such place of entry on the borders of Azad Kashmir as a Registration Officer having jurisdiction at such port or place may appoint in this behalf, or without the leave of the civil authority having jurisdiction at such port or place.

(2) Leave to enter shall be refused if the Civil authority is satisfied that :-

(a) the foreigner is not in possession of a passport or visa valid for Pakistan or has not been exempted from the possession of a passport or visa ; or

(b) he is of unsound mind or is mentally defective ; or

(c) he is suffering from a loathsome or infectious disease in consequence of which, in the opinion of the medical officer of the port or the place of entry, as the case may be, his entry

is likely to prejudice the public health ; or

(d) he has been sentenced in a foreign country for an extradition offence within the meaning of the Extradition Act 1903 (XV of 1903) ;

(e) his entry is prohibited under an order issued by a competent authority or under the specific orders of the Government.

(3) The civil authority may attach such conditions as it thinks fit to the grant of leave to enter and such conditions may be varied in such manner or cancelled as the Government deems fit.

(4) (a) A civil authority may in the interests of the Public safety, prohibit the entry of any foreigner into Azad Kashmir.

(b) Whenever the civil authority issues an order under clause (a) it shall report the matter forthwith to the Government which may cancel or modify the order in such manner as it thinks fit.

(5) Where leave to enter is refused to a foreigner, he may be detained at some place approved by the civil authority, and whilst he is so detained he shall be deemed to be in legal custody and not to have entered Azad Kashmir.

(1) No member of the crew ___ of an aircraft, being a foreigner, shall land in Azad Kashmir without special permit from the Superintendent of Police or any other Police Officer not below the rank of a Sub-Inspector or sergeant.

(2) No special permit shall be granted unless the owners or agents of the aircraft have undertaken either generally in respect of all members of the crew of the aircraft belonging to or managed by them or in respect of an individual case, responsibility for the maintenance of such member of the crew so long as in Azad Kashmir and for the expenses of his departure from Azad Kashmir.

(3) The provisions of this rule are in addition to, and not in derogation of, the provisions of rule 3.

Power to grant permission to depart from Azad Kashmir:-

(1) No foreigner shall leave Azad Kashmir otherwise than at a port or such recognised place of departure on the borders of

Azad Kashmir as a Registration Officer having jurisdiction at such port or place may appoint in this behalf, without the leave of the civil authority having Jurisdiction at such port or place.

(2) Leave shall be refused if the civil authority is satisfied that:-

- (a) the foreigner has failed to comply with the formalities of departure prescribed under any law, rule or order ;
- (b) his presence is required in Azad Kashmir to answer a criminal charge ; or
- (c) his departure will prejudice the relations of the Government with a foreign power ; or
- (d) his departure has been prohibited under an order issued by a competent authority.

(3) Notwithstanding anything contained in sub-rule (2) a civil authority may by an order prohibit the departure of a foreigner where it is satisfied that such departure would be contrary to the public interest.

(4) Whenever a civil authority makes prohibitory order under sub-rule (3) it shall send a copy thereof forthwith to the Government which may cancel or modify the order in such manner as it thinks fit.

Liability to remove a foreigner:- (1) A civil authority may require the pilot of an aircraft in which a foreigner has arrived or the owners or agents of that aircraft, as may be appropriate in the opinion of such civil authority, to remove a foreigner who has been refused permission to enter, or who has entered Azad Kashmir without its permission, and the master, pilot, owner or agent, as the case may be, shall comply with such requisition.

(2) The pilot of an aircraft scheduled to call at any port outside Azad Kashmir shall, if so required by the Government, receive a foreigner in respect of whom an order directing that he shall not remain in Azad Kashmir has been made and his dependents, if any, on board the aircraft, afford him and them a passage to that port and proper accommodation and maintenance during the passage.

Registration on sojourn in Azad Kashmir:- Every foreigner who enters Azad Kashmir shall obtain from the Registration Officer having jurisdiction at the place at which the said foreigner enters Azad Kashmir, a permit indicating the period during which he is authorised to remain within Azad Kashmir and shall unless the period indicated in the permit is extended by the Government depart from Azad Kashmir before the expiry of the said period and at the time of the foreigner's departure from Azad Kashmir the permit shall be surrendered by him to the Registration Officer having Jurisdiction at the place from which he departs.

Prohibited places:- (1) No foreigner shall, without the permission of the Civil authority having jurisdiction at such place visit or reside in any prohibited place as defined in the official Secrets Act 1923 (XIX of 1923).

(2) Where any foreigner is at the commencement of this order residing in any prohibited place and is not permitted under sub-tule (1) to continue to reside there, he shall within such time as may be specified by the civil authority, remove himself from such place.

(3) The civil authority may impose on any house-holder or Other person in such prohibited place the obligation to report to the police or to any military or airforce authority the presence of any foreigner in his household or in any premises occupied by him or under his control and the departure of any such foreigner and such other particulars with respect to such foreigner as may be prescribed by such authority.

Protected Areas:- (1) The Government or, with its prior sanction a civil authority may by order, declare any area to be a protected area for the purposes of this order.

(2) On such declaration, the civil authority may, as to any protected area, by order :-

(a) prohibit any foreigner or any class of foreigners from entering or remaining in the area ;

(b) impose on any foreigner or class of foreigners entering or being in the area such conditions or restrictions as it may think fit as to:-

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(i) reporting to the police or any military, or airforce authority.

(ii) surveying or making sketches or photographs ;

(iii) the use of possession of any machine, apparatus, or other article of any description ;

(iv) the acquisition of land or any interest in land within the area ;

(v) any other matter or thing as to which it may deem it necessary in the interests of the public safety to impose conditions or restrictions ;

(c) impose on any householder or other person the obligation to report to the police or any military or airforce authority the presence of any foreigner in his household or in any premises occupied by him or under his control and the departure of any such foreigner and such other particulars with respect to any such foreigner as may be prescribed by the Order :

Provided that the civil authority may, subject to any general specific direction of the Government grant to an individual foreigner a special permit exempting him from any or all of the conditions or restrictions imposed under this sub-rule.

Restriction on employment:- No foreigner shall without the general or special permission in writing of the civil authority enter any premises relating to or be employed, or in connection with :-

(1) any undertaking for the supply to Government or to the public of light, petroleum, power or water ; or

(2) any other undertaking which may be specified by the Government in this behalf.

Powers to impose restrictions on movements etc.: - The civil authority may, by order in writing, direct that any foreigner shall comply with such conditions as may be specified in the order in respect of :-

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(1) his place of residence,

(2) his movements,

(3) his association with persons of a description specified in the order ; and

(4) his possession of such articles as may be specified in order.

Powers to remove foreigners from cantonments: The military officer for the time being in command of the forces in a Cantonment may, by order in writing, direct any foreigner to remove himself from the Cantonment within such time as may be specified in the order.

Powers to close clubs and restaurants:- (1) A civil authority may direct that any premises in its jurisdiction which in its opinion are used, for the sale of refreshments to be consumed on the premises, or as a place of public resort or entertainment, or as a club and which are or have recently been frequented by foreigners shall be closed altogether or kept open only during such hours and for such purposes as may be permitted by the authority if in its opinion either ;

(a) the foreigners so frequenting the premises are of criminal or subversive associations or otherwise undesirable ; or

(b) the premises are conducted in a disorderly or improper or in a manner, prejudicial to the public order or interest and if any premises are kept open in contravention of any such direction the occupier or person having control of the premises shall be deemed to have acted in contravention of this order.

(2) Where any premises have been closed altogether or permitted to open only during such hours and for such purposes as aforesaid under this paragraph the occupier or person having control of the premises shall not occupy any other premises which are used for the sale of refreshments, or as a public resort or entertainment, or as a club without the consent of the civil authority of the area in which the premises are situated.

(3) Any police officer, if authorised by the civil authority may, for the purpose of enforcing the provisions of this paragraph, enter, if necessary by force, and search or occupy any premises

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in respect of which an order under this paragraph has been made by the civil authority.

(4) Any action taken by civil authority under sub-paragraphs (1) to (3) above shall be reported forthwith to the Government which may cancel or modify such order in such manner as it deems fit.

Expenses of deportation:- Where an order is made in the case of any foreigner directing that he shall not remain in Azad Kashmir or where a foreigner is refused permission to enter Azad Kashmir or has entered Azad Kashmir without permission, the Government may, if it thinks fit, apply any money or property of the foreigner in payment of the whole or part of the expenses of incidental to the journey from Azad Kashmir and the maintenance until departure of the foreigner and his dependent, if any.

Power to arrest and detain:- If, in the opinion of the civil authority it is necessary for the public safety so to do, the civil authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable :

Provided that the manner of such detention shall not be more rigorous than the manner in which an arrested person is detained while in Police custody under the provisions of the Code of Criminal Procedure :

Provided further that a report of such arrest and detention shall be forthwith forwarded to the Government with a statement of the reasons therefore and the Government may cancel such order or modify the manner of such detention in such manner as it may deem fit.

Appearance in court by person or on parole:- (1) No foreigner in respect of whom there is in force an order under clause (e) of sub-section (2) of section 3 of the Azad Kashmir Foreigners Act of 1952 requiring him to reside in a place set apart for the residence, under supervision, of a number of foreigners shall be removed from such place for the purpose of appearance in any civil court or, unless his attendance is required for the purpose of answering charge of an offence, in any criminal court.

(2) If in any court the attendance of such foreigner is required for the purpose of answering a charge of an offence, the provisions

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of the Law relating to prisoners shall apply as if references in the said law to a prison, the officer in charge of a prison and the Government were references to such places the Commandant of such place and the Government respectively.

(3) If in any case the evidence of such foreigner is required for the purpose of any proceeding in any civil court, the provisions of the law relating to prisoners shall apply as if reference in the said law to a prison and the officer in charge of a prison were references to such place and the Commandant of such place respectively.

(4) If in any case the evidence of such foreigner is required in connection with any proceedings in a criminal court, it may be obtained by the issue of a commission in accordance with the provisions of chapter XL of the Code of Criminal Procedure, 1898 (V of 1898).