

THE AZAD KASHMIR PUBLIC SAFETY (AMENDMENT)

ACT, 1953.

(Passed under Government Order No. 267/53 dated, 1 1-6-1953)

Whereas it is expedient to amend the Azad Kashmir Public

Safety Act of 1948, it is hereby enacted as follows :-

1.

This Act may be called the Azad Kashmir Public Safety Amend-
ment Act of 1953 and it shall come into force at once.

For Section 3 of the Azad Kashmir Public Safety Act of 1948
(hereinafter referred to as the said Act) the following shall be
substituted :-

“3(1) The Azad Kashmir Government, the District Magistrate or
any servant of the Azad Kashmir Government authorised in this
behalf by general or special order of the Government if satisfied
with respect to any particular person that with a view to
preventing him from acting in any manner prejudicial to the
public safety or the maintenance of public order it is necessary
so to do, may 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) An arrest made by or on the direction of any authority under
this section other than the Government shall be reported
forthwith to the Government by the authority so making or so
directing the arrest as the case may be, and the authority making
the report may by order in writing commit any person so arrested
to such custody as the Government may by general or special
order specify in this behalf.

(3) The Government may, by order in writing, commit any
person arrested or directed to be arrested under this Section to
such custody as it may deem fit, for such period as may, subject
to the provisions of this section, be specified in the order and the
Government may, from time to time, extend the period of such
detention:

Provided that no order of detention or extension of the
detention shall be passed for a period of more than six month at a
time.

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

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(5) The Government may, at any time, release a person detained under this section;

(6) The Government may, by general or special order, determine the conditions as to the maintenance, discipline, and the punishment of offences and breaches of discipline which shall be applicable to persons committed to custody by an order made under sub-section (2) or sub-section (3).

(7) If the Government has reason to believe that a person in respect of whom such an order as aforesaid has been made directing that he be detained has absconded or is concealing himself so that the order cannot be executed, it may :-

(a) make a report to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides, and thereupon the provisions of section 87, 88 and 89 of the Code shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate ;

(b) by order notified in the official Gazette direct the said person to appear before such officer, at such place within such period as may be specified in the order and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with a term which may extend to seven years or with fine or with both."

After Section 3 of the said Act, the following new Section shall be inserted, namely :-

"3-A. The provisions of Section 3 of this Act shall apply to every person who is in detention on or after the date on which the Azad Kashmir Public Safety Amendment Act, 1953, comes into force, by virtue of an order, under section 3 of the Azad Kashmir Public Safety Act of 1948, as if his order of detention or as the case may be, extension of detention, had been made under and in compliance with the requirements of section 3 of this Act."