THE AZAD KASHMIR RECOVERY OF ABDUCTED
PERSONS ACT, 1954.
(Passed Under Council Order No. 5/54).
Whereas an emergency has arisen which makes it necessary to

provide for the recovery of abducted persons and their temporary
detention in camps pending restoration to their relatives, it is hereby
enacted as follows ;-

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Short title and commencement:-

(i) This Act may be called the Azad Kashmir Recovery of
Abducted Persons Act, 1954.

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

Definitions:- In this Act unless there is anything repugnant in

the subject or context :-

(a) 'Abducted Persons' means a male child under the age of 16
years or a female of whatever age who is, or immediately
before the first day of-March, 1947, was a Hindu or Sikh and
who on or after that day and before the first day of January
1949, has become separated from his or her family and is
found to be living with or under the control of a Muslim
individual or family ;

(b) 'Camp' means any place established or deemed to be
established for the reception and detention of abducted
persons.

Establishment of Camps and notification thereof and of

officers in-charge:-

(i) The Government may establish as many camps as it may
consider necessary for the reception and detention of
abducted persons and any place established before the
commencement of this Act for the reception and detention of
abducted persons shall be deemed to be a camp established
by the Government within the meaning of this section.

(ii) The Government shall as soon after the commencement or
this Act as may be practicable, notify in the official Gazette,
all camps and the name of the officers in charge thereof.

Powers of police officers to recover abducted persons:-

(i) If any Police Officer, not below the rank of Sub-Inspector or any other Police Officer specially authorised by the Government in this behalf has reason to believe that an abducted person resides or is to be found in any place, he may, without warrant, enter and search the place and take into custody any person found therein who in his opinion is an abducted person and deliver or cause such person to be delivered to the custody of the officer incharge of the nearest camp with the least possible delay.

(ii) In exercising any Powers conferred by sub-section (i) any such police officer may take such steps and may require the assistance of such female persons as may, in his opinion be necessary for the effective exercise of such power.

Maintenance of discipline in the camps:-

(i) The Government may make regulations or pass orders for the transfer of abducted persons from one camp to another and for the maintenance of health and good order in the camp.

(ii) In making any regulation under this section, the Government may provide that a breach thereof shall be tried and punished by the Officer in charge of the camp in such manner as may be prescribed in the regulation :

Provided that no abducted person shall be liable to be tried in a criminal court in respect of any offence made punishable by any regulation made under this section.

Handing over of abducted person to persons authorized:-

(i) Any officer in charge of camp may deliver any abducted person detained in the camp to the custody of such officer or authority as the Government may, by general or special order specify in this behalf.

(ii) Any officer or authority to whom the custody or any abducted person has been delivered under the provisions of sub-section (i) shall be entitled to receive and hold the person in custody and either restore such person to his or her relative or convey such person out of Azad Kashmir.

Detention in camp not to be questioned by court:-

Notwithstanding anything contained in any other law for the

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time being in force the detention of any abducted person in the camp in accordance with the provisions of this Act shall be lawful and shall not be called in question in any court.

Protection of action under Act:- No suit, prosecution or other legal proceeding whatsoever shall lie against the Government or any officer or authority for or in respect of any act which is in good faith done or intended to be done in pursuance of this Act.

Determination of question whether any person detained is an

abducted person.

(i) If any question arises whether person detained in a camp is an abducted person or not, it shall be referred to and decided by a tribunal constituted for the purpose by the Government.

(ii) The decision of the tribunal constituted under sub-section (i) shall be final provided that the Government may, either of its own motion or on the application of any party interested in the matter, review or revise any such decision.

Validation of action taken before commencement of Act:-
Any order made or action taken before the commencement of this Act by the Government or by any officer or other authority in relation to an abducted person, shall, in so far as the order made or action taken is of the nature permitted by or under this Act, be deemed to be as valid and effectual for all purposes as if the order or action had been made or taken in the exercise of powers conferred by this Act and the provisions of section 8 in particular shall apply accordingly.

Termination of pending proceedings:- All proceedings for the production of any abducted person detained in a camp which are pending before the High Court under the provisions of section 491 of the Code of the Criminal Procedure or before a Magistrate under the provision of section 100 of that Code shall be deemed to have terminated on the commencement of this Act.

Power to make rules:-
(i) The Government may by notification in the official Gazette make rules to carry out the purposes of this Act.

(ii) In particular and without prejudice to the generality of the fore-going power, such rules may provide for :-

(a) The constitution and procedure of any tribunal appointed under section 9 ;

(b) the manner in which any application to review or revise

any decision of the tribunal may be made under section 9.