

The Dispatch

D o c u m e n t s

Jammu and Kashmir Disturbed Areas Act, 1992

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THE JAMMU AND KASHMIR DISTURBED AREAS ACT, 1992.

(President's Act No. 4 of 1992).

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THE JAMMU AND KASHMIR DISTURBED AREAS ACT, 1992.

(President's Act No. 4 of 1992).

[Enacted by the President on 17th July, 1992 and published in the Jammu and Kashmir Govt. Gazette dated 17th July, 1992].

An Act to provide for better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Jammu and Kashmir.

Enacted by the President in the Forty-third year of the Republic of India.

In exercise of the powers conferred by section 3 of the Jammu and Kashmir State Legislature (Delegation of Powers), Act 1992, (21 of 1992) the President is pleased to enact as follows :--

1. *Short title, extent and commencement.*--(1) This Act may be called the Jammu and Kashmir Disturbed Areas Act, 1992.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. *Definition.*--(1) In this Act, "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area.

(2) All other words and expressions used herein and not defined, but defined in any other law for the time being in force in the State of Jammu and Kashmir, shall have the meaning respectively assigned to them in such law.

3. *Powers to declare areas to be disturbed areas.*--The State Government may, by notification in the Official Gazette, declare that the whole or any part of any district of Jammu and Kashmir as may be specified in the notification, is a disturbed area.

4. *Powers to fire upon person contravening certain orders.*--In a "disturbed area", any Magistrate or Police Officer not below the rank of Sub-Inspector or Head Constable in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is indulging in any act which may result in serious breach of public order or is acting in contravention of any law

or order for the time being in force, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire arms, ammunition or explosive substances.

5. *Powers to destroy arms dump, fortified positions, etc.*--In a "disturbed area" any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used a training camp for armed volunteers or utilised as a hideout by armed ganges or absconders wanted for any offence.

6. *Protection of person acting under sections 4 and 5.*--No suit, prosecution, or other legal proceedings shall be instituted except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

7. *Repeal and savings Governor's Act No. XII of 1990.*--(1) The Jammu and Kashmir Disturbed Areas Act, 1990 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Jammu and Kashmir Disturbed Areas Act, 1990 (Governor's Act No. XII of 1990) shall be deemed to have been done or taken under the corresponding provision of this Act.