

# **The Jammu and Kashmir Government Servants (Held in Detention) Act, 1956**

JAMMU & KASHMIR

India

## **The Jammu and Kashmir Government Servants (Held in Detention) Act, 1956**

### **Act 15 of 1956**

- Published on 8 October 1956
- Commenced on 8 October 1956
- [This is the version of this document from 8 October 1956.]
- [Note: The original publication document is not available and this content could not be verified.]

The Jammu and Kashmir Government Servants (Held in Detention) Act, 1956(Act No. 15 of 1956)[Received the assent of the Sadar-i-Riyasat on 8th October, 1956 and published in Government Gazette dated 25th October, 1956.]An Act to make certain provisions respecting Government Servants detained for certain periods of time.Be it enacted by the Jammu and Kashmir State Legislature in the Seventh Year of the Republic of India as follows :-

#### **1. Short title.**

- This Act may be called the Jammu and Kashmir Government Servants (Held in Detention) Act, 1956.

#### **2. Provisions regarding Government Servants held under preventive detention.**

- Notwithstanding anything contained in any law, Ordinance, regulation, rule, order of Government or decision of Court, a Government servant who at any time before the commencement of this Act was detained :-(a)in pursuance of an order made under section 3 of the Jammu and Kashmir Public Security Act, 2003, with a view to preventing him from acting in any manner prejudicial to the maintenance of public safety or peace for a period which exceeded two months and during which section 3 of that Act continued to be in force;(b)in pursuance of an order made under section 3 of the Jammu and Kashmir Public Security Act, 2003, and the period of whose detention had not exceeded two months when section 3 of that Act was repealed and who continued to be detained under section 19 of the Jammu and Kashmir Preventive Detention Act, 2011 (here-after referred to as 'the said Act') for a period exceeding six months;(c)in pursuance of an order made under section 3 of the said Act with a view to preventing him from acting in any manner prejudicial to the

maintenance of loyalty of and discipline among the members of the Police Forces of the State or the maintenance of supplies and services essential to the community and the order of detention against whom was confirmed under sub-section (1) of section 12 of the said Act;(d)in pursuance of an order made under section 3 of the said Act with a view to preventing him from acting in any manner prejudicial to the security of the State or the maintenance of public order and who continued to be kept under detention after his case was reviews under sub-section (2) of section 14 of the said Act;shall be deemed to be and shall be deemed always to have been validly removed from service with effect from the date of the order of detention :Provided that nothing contained in this section shall be deemed ever to have prevented or to prevent the Government if they deem fit so to do after having considered the interest of the security of the State, the public interest and the administrative needs, from permitting the Government servant to join duty and from treating the relevant period as period of [duty or] [Words 'duty or' inserted by Act XV of 1964.] such leave as he was entitled to or could be allowed to him under the leave rules in force at the time the order of detention was made against him.Explanation. - "The relevant period" means the period beginning on the date of the order of detention and ending on the date on which the Government servant joins duty in accordance with an order passed by the Government.

### **3. Repeal and Saving.**

(1)The Jammu and Kashmir Government Servants (Held in Detention) Ordinance, 1956 (Ordinance IV of 1956) is hereby repealed.(2)The repeal by this Act of the said Ordinance shall not affect the previous operation thereof and anything done or any action taken in the exercise of any power conferred by the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by this Act.