

The Arrests and Detentions (Validating) Act, 2006 (1949 A. D.)

JAMMU & KASHMIR

India

The Arrests and Detentions (Validating) Act, 2006 (1949 A. D.)

Act 1 of 2006

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The Arrests and Detentions (Validating) Act, 2006 (1949 A. D.) Act No. 1 of 2006 [Promulgated by His Highness the Maharaja Bahadur under section 5 of the Constitution Act, 1996, and published in the Government Gazette dated 20th Jeth, 2006.] An Act to validate certain orders authorising arrests and detentions of suspected persons. Whereas it is expedient to validate certain orders issued under section 3 of the Jammu and Kashmir Public Security Act and rule 24 of the Defence Rules relating to arrests and detention of suspected persons by individuals and authorities not authorised to do so, but such individuals and authorities bona fide believed that they were so authorised and were competent under the law. Now, therefore, in exercise of the powers reserved under section 5 of the Jammu and Kashmir Constitution Act, 1996, His Highness is pleased to enact as follows :-

1. Short title, extent and commencement.

(1) This may be called the Arrests and Detentions (Validating) Act, 2006. (2) It shall extend to the whole of the Jammu and Kashmir State. (3) It shall come into force at once.

2. Orders validated.

- Any order authorising detention or extending the period of detention for a period exceeding two months or authorising detention in places other than those specified by the Government under section 3 of the Public Security Act or releasing the detainees before the expiry of their terms of detention or any order authorising arrest or detention of a suspected person under rule 24 of the Jammu and Kashmir Defence Rules, passed by any person or an officer not authorised to do so or by the Minister-in-charge, Internal Security, Law and Order, during the period beginning with 30th October, 1947, and ending with the date of parsing of this Act, shall be deemed to have been passed by the Government under section 3 of the Public Security Act or under rule 24 of the Defence Rules, as the case may be, and shall not be open to the objection that it was passed by an unauthorised

person.

3. Bar of legal proceedings.

- No Suit or other legal proceedings, whatsoever, whether civil or criminal, shall lie in any Court of law against any individual or authority for or on account of or in respect of any arrest, detention or extension in the period of detention or detentions of the detenues in places other than those specified by the Government under section 3 of the Public Security Act or their premature release from the custody or in respect of any arrest or detention under rule 24 of the Defence Rules, made or ordered or "purporting to have been made or ordered in good faith by any such individual or authority for the purpose of maintaining public order or securing the defence of the State, between 30th October, 1947 and the date of enforcement of this Act, when such individuals or authorities bona fide believed that they were authorised by the Government in this behalf.

4. Certificate a conclusive proof of good faith.

- For the purposes of section 3 of the Public Security Act and rule 24 of the Defence Rules, a certificate by or under the authority of the Government that the said order was made by such individual or authority in good faith and bona fide believing that he was authorised by the Government in this behalf, shall be conclusive proof thereof.