

## **JAMMU AND KASHMIR DISTURBED AREAS ACT, 1992**

**4 of 1992**

[ ]

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## **JAMMU AND KASHMIR DISTURBED AREAS ACT, 1992**

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Enacted by the President in the Forty-third Year of the Republic of India 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 In exercise of the powers conferred by S.3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 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 meanings 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, in a disturbed area.

**4. Power to fire upon persons 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. NOTES Under the fourth clause of Section 141, IPC, an assembly of five or more persons is an unlawful assembly if the common object of its members is to enforce any right or supposed right by means of criminal force or show of criminal force to any person. Section 141 must be read with Sections 96 to 106 dealing with the right of private defence. Under Section 96 nothing is an offence which is done in the exercise of the right of private defence. State of Bihar v. Nathu Pander. (1969) 2 SCC 207: AIR 1970 SC 27: 1970 Cri LJ 5.

**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 the opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position of shelter from which aimed attacks are made or are likely to be made or are attempted to be made or any structure used as a training camp for armed volunteers or utilised as a hideout by armed gangs or absconders wanted for any offence.

**6. Protection of persons 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 section 4 and section 5.

**7. Repeal and saving :-**

(1) The Jammu and Kashmir Disturbed Areas Act, 1990 (Governor's Act No. 12 of 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. 12 of 1990) , shall be deemed to have been done or taken under the corresponding provisions of this Act.