

Repealed by Act 36 of 1957.

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THE ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT ACT, 1952

No. LXXVII OF 1952



[26th December, 1952]

An Act further to amend the Abducted Persons (Recovery and Restoration) Act, 1949.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Abducted Persons (Recovery and Restoration) Amendment Act, 1952.

2. **Amendment of section 1, Act LXV of 1949.**—In section 1 of the Abducted Persons (Recovery and Restoration) Act, 1949 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Section 5 extends to the whole of India, and the remaining provisions extend to the States of Punjab, Uttar Pradesh, Patiala and East Punjab States Union, Rajasthan and Delhi.

(3) This Act shall remain in force up to the 28th day of February, 1954.”

3. **Substitution of new section for section 3 in Act LXV of 1949.**—For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. *Establishment of camps.*—(1) The Central Government may, in any State to which this Act extends, establish as many camps as it may consider necessary for the reception and temporary detention of abducted persons, and any place established in the State before the commencement of the Abducted Persons (Recovery and Restoration) Amendment Act, 1952, for such reception and detention shall be deemed to be a camp established by the Central Government within the meaning of this section.

(2) The Central Government shall, as soon as may be practicable, notify in the Official Gazette all camps established in every State to which this Act extends.”

4. **Amendment of section 4, Act LXV of 1949.**—In section 4 of the principal Act,—

(a) in sub-section (1), for the words “State Government”, the words “Central Government” shall be substituted;

(b) in sub-section (2), for the words “conferred by sub-section (1) any such police officer”, the words “conferred on him by this section or by section 5, any police officer” shall be substituted.

Price annas 2 or 3d.

**5. Substitution of new section for section 5 in Act LXV of 1949.**—For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Power to take into custody abducted persons found in territories to which the other provisions of this Act do not extend.*—Notwithstanding anything contained in the Delhi Special Police Establishment Act, 1946 (XXV of 1946), any police officer belonging to the Delhi Special Police Establishment who is specially authorised by the Central Government in this behalf may, if he has reason to believe that an abducted person has been removed from any place in any of the States specified in sub-section (2) of section 1 and that such person is residing or is to be found in any other place in India, without warrant and after securing the assistance of the officer in charge of the police station within whose jurisdiction the abducted person is believed to be residing or is to be found, enter and search the place and take into custody any such person and deliver or cause to be delivered such person to the custody of the officer in charge of the camp in the State from which the abducted person has been removed:

Provided that nothing contained in this section shall be deemed to enable any member of the Delhi Special Police Establishment to exercise any powers conferred thereby in a Part A State or a Part B State without the consent of the Government of that State.”

**6. Amendment of section 7, Act LXV of 1949.**—In sub-section (1) of section 7 of the principal Act, for the words “State Government”, the words “Central Government” shall be substituted.

**7. Amendment of section 9, Act LXV of 1949.**—In section 9 of the principal Act, for the words “the Central Government, the State Government”, the words “the Government” shall be substituted.

**8. Amendment of section 10, Act LXV of 1949.**—In section 10 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the transfer of abducted persons from one camp to another, whether within the State or without the State;

(b) the maintenance of health and good order in camps and of harmonious relations among the abducted persons detained therein ;

(c) the composition, powers and functions of, and the procedure to be followed by, the Tribunal to be constituted under section 6;

(d) the manner in which and the time within which any application for the revision of any order of the Tribunal may be made under section 6;

(e) the manner in which any abducted person may be delivered to the custody of any officer or authority under section 7, or restored to his or her relatives, or conveyed out of India by any such officer or authority.

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(3) In making any rule under clause (b) of sub-section (2), the Central Government may provide that a breach thereof shall be tried and punished by the person in charge of the camp in such manner as may be prescribed in the rules:

Provided that no abducted person shall be liable to be tried in a criminal court in respect of any offence punishable under any such rule."

**9. Repeal.**—The Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1952 (IX of 1952), is hereby repealed.