

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD**

Dated: 11th October, 2018

No. LD/Legis-Act/146-57/2018. The following Act of Assembly received the assent of the President on the 4th day of October 2018, is hereby published for general information.

(ACT VI OF 2018)

**An
Act**

further to amend the Azad Penal Code, 1860 and the Code of Criminal Procedure, 1898

WHEREAS, it is expedient further to amend the Azad Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Criminal Law (Amendment) Act, 2018.
(2) It shall come into force at once.
2. **Substitution of Section 186, Act XLV of 1860.**- In the Azad Penal Code, 1860 (Act XLV of 1860), as adopted in Azad Jammu and Kashmir, hereinafter referred to as the said Code, the Section 186 shall be substituted as under:-
“186. **Obstructing public servant in discharge of public functions.**- Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of three years and fine which may extend to five thousand rupees.”
3. **Addition of Section 310-A, Act XLV of 1860.**- In the said Code, after Section 310, the following new Section 310-A shall be added:-
“310-A. **Punishment for giving a female in marriage or otherwise in badal-e-sulh, wanni or swara.**- Whoever gives a female in marriage or otherwise compels her to enter into marriage, as badal-e-sulh, wanni, or swara or any other custom or practice under any name, in consideration of settling a civil dispute or a criminal liability, shall be punished with imprisonment of either description for a term which may extend to seven years

but shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.”

4. **Amendment of Section 353, Act XLV of 1860.**- In the said Code, in Section 353, for the word “seven” the word “four” shall be substituted.
5. **Insertion of new Chapter XXA, Act XLV of 1860.**- In the said Code, after Chapter XX, the following new Chapter XX A shall be inserted, namely:-

**“CHAPTER XX A
OF OFFENCES AGAINST WOMEN**

498-A. Prohibition of depriving woman from inheriting property.- Whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for either description for a term which may extend to ten years but shall not be less than five years or with a fine of one million rupees or both.

498-B. Prohibition of forced marriage.- Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years but shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.

498-C. Prohibition of marriage with the Holy Quran.- Whoever compels or arranges or facilitates the marriage of a woman with the Holy Quran shall be punished with imprisonment of either description which may extend to seven years but shall not be less than three years and shall be liable to fine of five hundred thousand rupees.

Explanation.- Oath by a woman on Holy Quran to remain un-married for the rest of her life or, not to claim her share of inheritance shall be deemed to be a marriage with the Holy Quran.”

6. **Insertion of new Section 402-D, Act V of 1898.**-In the Code of Criminal Procedure, 1898 (Act V of 1898), as adopted in Azad Jammu and Kashmir, hereinafter referred to as the said Code, after Section 402-C, the following new Section 402-D shall be added, namely:-

“402-D. The Government not to interfere in sentences of rape.- Notwithstanding anything contained in Sections 401, 402 or 404-B, the Azad Government of the State of Jammu and Kashmir or the President of Azad Jammu and Kashmir shall not suspend, remit or commute any sentence passed under Section 376 of the Azad Penal Code Act, 1860 (Act XLV of 1860).”

7. **Amendment of Schedule II, Act V of 1898.**- In the said Code, in the Schedule II,-

- (i) after Section 310, in column I, and the entries relating thereto in columns (2) to (8), the following shall be inserted, namely:-

Volume XIV (2018-2020)

"1	2	3	4	5	6	7	8
310-A	Giving female forcefully in Marriage or otherwise in badal-e-sullh, wanni or swara	Shall not arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500,000/-	Court of Sessions or Magistrate first class."

(ii) in entries relating to section 353, in column 7, for figure "4" shall be substituted.

(iii) after Section 498, in column I and the entries relating thereto in column (2) to (8), the following shall be inserted, namely:-

"1	2	3	4	5	6	7	8
498-A	Prohibition of depriving woman from inheriting property	Shall not arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description which may extend to 10 years but shall not be less than 5 years or with fine of rupees 1,000,000/- or both.	Court of Sessions
498-B	Prohibition of forced	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may	Court of Sessions or

Volume XIV (2018-2020)

498-C	marriage						extend to 7 years but shall not be less than 3 years and a fine of rupees 500,000/-	Magistrate of first class
	Prohibition of marriage with the Holy Quran	Ditto	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and a fine of rupees 500,000/-	Ditto.”

Sd/-
 (Ch. Muhammad Nawaz)
 Section Officer (Legislation)