

**THE AZAD GOVERNMENT OF THE STATE OF JAMMU &  
KASHMIR, LAW & PARLIAMENTARY AFFAIRS  
SECRETARIAT, MUZAFFARABAD**

Dated the 27<sup>th</sup> February, 1982.

No. 262/LD/82. The following Ordinance made by the President on the 27<sup>th</sup> day of February, 1982, is hereby published for general information.

**(ORDINANCE LVIII OF 1982)**

**AN**

**ORDINANCE**

to amend for law relating to constitution of Azad Jammu and Kashmir Shariat Court Ordinance, 1982.

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Shariat Court Ordinance, 1982 (Ordinance XXXII of 1982), in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Shariat Court (Amendment) Ordinance, 1982.  
(2) It shall come into force at once.
2. **Amendment of Section 2, Ordinance XXXII of 1982.**- In the Azad Jammu and Kashmir Shariat Court Ordinance, 1982, (Ordinance XXXII of 1982), hereinafter referred to as the said Ordinance, in Section 2, for clause (h) the following shall be substituted, namely:-  
“(h) ‘Member’ means member of the Court and includes the Chairman of the Azad Jammu and Kashmir Shariat Court.”
3. **Amendment of Section 3, Ordinance XXXII of 1982.**- In the said Ordinance, in Section 3, after sub-section (8), the following sub-section (8-A) shall be added namely:-  
“(8-A) At any time when the Chairman of the Shariat Court is unable to hear and decide a particular case for any cause the senior member of the Court shall act as Chairman and in case of a member, the Chairman shall

request the Chief Justice of High Court to nominate a Judge of High Court to sit and act as a member of the Court:

Provided that if both the Chairman and member of the Court are unable to hear and decide a particular case, for any cause, the Chairman shall request the Chief Justice of High Court to nominate two Judges of the High Court to bear and decide the case and the senior Judge shall act as the Chairman in that, particular case only.

4. **Amendment of Section 7, Ordinance XXXII of 1982.-** In the said Ordinance, in Section 7, for sub-section (1) the following shall be substituted, namely:-

"(1) For the purposes of the performance of its functions, the Court shall have, the powers as are vested in the High Court, while exercising revisional, Appellate and original civil and criminal jurisdiction)"

5. **Addition of new Section 7-A Ordinance XXXII of 1982.-** In the said Ordinance after Section 7, a new Section 7-A shall be added, namely:-

**"7-A. Application of Code of Criminal Procedure, 1898 (Act V of 1898), and amendment.-** The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply, *mutatis mutandis*, in respect of cases under this Ordinance:

Provided that in the said code the words High Court, Sessions Court, and Magistrate First Class wherever-occurring, shall be construed to mean the Azad Jammu and Kashmir Shariat Court, District Criminal Court and Tehsil Criminal Court as the case may be, for the purposes of this Ordinance.

(Mohammad Hayat Khan)  
President  
Azad Jammu and Kashmir

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Sd/- (Syed Atta Mohy-ud-Din)  
Deputy Secretary Law