

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFARABAD.**

Dated 4th October, 1983.

No. 1287/LD/83. The following Ordinance made by the President on the 3rd day of October, 1983, is hereby published for general information:-

(ORDINANCE CCXVIII of 1983)

**AN
ORDINANCE**

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary further to amend the Code of Criminal Procedure, 1898 (Act V of 1898) for the purposes 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 Code of Criminal Procedure (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. **Amendment of Section 22, Act V of 1898.**- In the Code of Criminal Procedure, 1898, (Act V of 1898) for Section 22, the following shall be substituted, namely:-

“22. **Appointment of Justice of Peace.**- The Azad Government of the State of Jammu and Kashmir may, by notification in the official Gazette, appoint for such rules as may be made by it any person who is a citizen of Azad Jammu and Kashmir and as to whose integrity it is satisfied to be a Justice of the Peace for a local area to be specified in the notification, and more than one Justice of the Peace may be appointed for the same local area.

“22-A. **Powers of Justice of the Peace.** (1) A Justice of the Peace for any local area shall, for the purpose of making an arrest, have within such area all the Powers of a Police Officer referred to in section 64 and an officer-in-charge of a Police station referred to in section 55.

(2) A Justice of the Peace making an arrest in exercise of any powers under sub-section (1) shall, forthwith take or

cause to be taken the person arrested before the officer-in-charge of the nearest Police-station and furnish such officer with a report as to the circumstances of the arrest and such officer shall thereupon re-arrest the person.

(3) A Justice of the Peace for any local area shall have Powers such area, to call upon any member of the police force on duty to aid him:-

(a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having so participated; and

(b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquility.

(4) Where a member of the police force on duty has been called upon to render aid under sub-section (3) such call shall be deemed to have been made by a competent authority.

(5) A justice of the peace for any local area may, in accordance with such rules as may be made by the Government.-

(a) issue a certificate as to the identity of any person residing within such area, or

(b) verify any document brought before him by any such person; or

(c) attest any such document required by or under any law for the time being in force, to be attested by a Magistrate;

(d) and until the contrary is proved, any certificate so issued shall be presumed to be correct and any documents so verified shall be deemed to be duly verified, and any document so attested shall be deemed to have been as fully attested as if he had been a Magistrate.

22-B. Duties of Justice of the Peace.- Subject to such rules as may be made by the Government, every justice of the Peace for any local area shall,-

(a) on receipt of information of the occurrence of any incident involving a breach of the peace, or of the commission of any offence within such local area, forthwith make inquiries into the matter and report in

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writing the result of his inquiries to the nearest Magistrate and to officer in charge of the nearest Police-station;

- (b) if the offence referred to in clause (a) is a cognizable offence, also prevent the removal of any thing from, or the interference in any way with, the place of occurrence of the offence;
- (c) when so required in writing by a police officer making an investigation under Chapter XIV in respect of any offence committed within such local area.
 - (i) render all assistance to the Police-officer in making such an investigation;
 - (ii) record of any statement made under expectation of death by person in respect of whom a crime is believed to have been committed.

(Abdul Rehman Khan)
President,
Azad Jammu And Kashmir.
Sd/- (Syed Atta Mohy-ud-Din Qadri)
Deputy Secretary Law.