

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

Dated the 24th June, 1982.

No. 742/LD/82. The following Ordinance made by the President on the 24th day of June, 1982, is hereby published for general information.

(ORDINANCE CXLIV OF 1982)

AN

ORDINANCE

to provide for measures to observe the sanctity of the month of Ramzan.

WHEREAS, in view of the tenets of Islam it is necessary to provide for measures to observe the sanctity of the month of Ramzan;

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, Extent and Commencement.**- (1) This Ordinance may be called the Ehtram-i-Ramzan Ordinance, 1982.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject or context, "public place" includes any hotel, restaurant, canteen, house, room, tent enclosure, road, lane, bridge or other place to which the public have access.
3. **Prohibition of eating etc., in public place.**- (1) No person who according to the tenets of Islam, is under an obligation to fast shall eat, drink or smoke in a public place during fasting hours in the month of Ramzan.
 - (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to rupees five hundred, or with both.

4. **Prohibition of serving eatables in certain public places.-**
(1) No proprietor, manager, servant or other person in charge of a hotel, restaurant or canteen or other public place, shall knowingly and willfully offer or serve or cause to be offered or served any eatables during fasting hours in the month of Ramzan to any person who, according to the tenets of Islam, is under an obligation to fast.
(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to rupees five hundred, or with both.
5. **Exemptions.-** Nothing contained in Section 4 shall apply in respect of:-
(a) A canteen or Kitchen maintained in a hospital for serving food to patients;
(b) A Kitchen or canteen meant for children within the premises of a primary school.
6. **Cinema-houses, theatres etc., to remain closed during Ramzan.-** (1) All Cinemas houses, theatres and similar other establishments or institutions shall remain closed during the months of Ramzan from the time of sunset to the expiration of three hours thereafter.
(2) If the proprietor, manager, servant or other person in charge of cinema house, theatre or similar other establishment or institution contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Rupees five thousand, or with both.
7. **Power to enter and arrest.-** (1) If any Magistrate, the Chairman of a District Council or a Municipal Committee or a Town Committee, or the Chairman or a Member of a District Zakat and Ushr Committee has reason to believe that any offence punishable under this Ordinance has been committed by any person in or at a public place, he may enter the public place and arrest such person.
(2) Where the Magistrate arresting any person under sub-section (1) is for the time being empowered to try in summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898) and Magistrate may try such person at the place where he is arrested

in accordance with the provisions contained in Sections 262 to 265 of the said Code.

(3) When any person is arrested under sub-section (1) by a person other than the Magistrate referred to in sub-section (2) such person shall, if a bond to his satisfaction is not executed, forward the person arrested to the nearest police station with a report of the circumstances in which such arrest was made.

8. **Cognizance of offences and procedure.**- (1) Save as provided in sub-section (2) of Section 7, no Court shall take cognizance of any offence punishable under the Ordinance except on a complaint in writing made by a person authorized to arrest under sub-section (1) of that section or by the officer incharge of the police station in whose jurisdiction the offence is alleged to have been committed.

(2) Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal procedure, 1898 (Act V of 1898), may try any offence punishable under this Ordinance in accordance with the provisions contained in Section 262 to 265 of the said Code.

(3) The officer-in-charge of the police station to which a person arrested is forwarded under sub-section (3) of Section 7 shall make a complaint to a Magistrate within 24 hours of the time on which such person is brought to the police station.

(4) The trial of an offence punishable under this Ordinance shall be taken up on priority basis and shall be concluded as expeditiously as may be administratively possible.

9. **Power to make rules.**- (1) The Government may make rules for carrying out the purpose of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide that, in a canteen, restaurant or dining-car referred to in Clause (a), (b), (c) or (d) of Section 5, eatables or articles of smoking shall only be served at a place protected from public view by means of a curtain or otherwise, and specify the classes of persons who may be admitted to any such canteen, restaurant or dining-car during fasting hours in the month of Ramzan.

(3) A person contravening any rule made under sub-section (1) shall be deemed to be guilty of an offence punishable under Section 4 and shall be punishable accordingly.

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10. **Ordinance to over-ride other laws.-** The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.
11. **Repeal.-** The Azad Jammu and Kashmir Sanctity of Ramzan Act, 1971 is hereby repealed.

(Mohammad Hayat Khan)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Laws