

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 10th Feb, 1985.

No.406/LD/85. The following Ordinance made by the President on the 10th day of February, 1985, is hereby published for general information:-

(ORDINANCE XXXIX OF 1985)

AN

ORDINANCE

to amend the Penal Code, 1860.

WHEREAS it is necessary to amend the Penal Code, 1860 (Act XLV of 1860), for the purposes hereinafter appearing ;

AND WHEREASE 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 Penal Code, (Amendment) Ordinance, 1985.

(2) It shall come into force at once.

2. **Insertion of new Section 125-B, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (Act XLV of 1860), as inforce in Azad Jammu and Kashmir, hereinafter referred to as the said code, after Section 123-A, the following new Section 123-B, shall be inserted, namely:-

“123-B. Defiling or Unauthorisedly removing the National Flag of Pakistan or Flag of Azad Jammu and Kashmir from Government Buildings etc.- Whoever deliberately defiles the National Flag of Pakistan or the Flag of Azad Jammu and Kashmir or unauthorised removes it from any Government buildings, premises, vehicle or other property of Government, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.”

3. **Addition of new Section 289-A, 298-B and 298-C, Act XLV of 1960.**- In the said Code, after Section 298, the following new Sections shall be added, namely:-

“298-A. Use of derogatory remarks etc., in respect of holy personages.- Whoever by word either spoken or written, or by visible representation or by any imputation innuendo or insinuation directly or indirectly, defiles the sacred name of

any wife (Ummul-Mumineen), or members of the family (Ahle-Bait), of the Holy Prophet (Peace be upon him), or any of the righteous Caliphs (Khulafa-i-Rashideen) and companions (Sahaaba) of the Holy Prophet (Peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

298-B. Misuse of Epithets Descriptions and titles etc. reserved for certain holy personages or places.-

(1) Any person of the Qadiani Group or the Lahori Group (who call themselves Ahmadis or by any other name) who by words, either spoken or written, or by visible representation.- (A) Refers to or addresses, any person, other than a caliph or companion of the Holy Prophet Muhammad (Peace be upon him), as “Ameerul Mumineen”, “Khalifat-ul-Mumineen”, “Khalifatul Muslimeen”, “Sahaabi” or “Razi-allah Anho”, (B) Refers to, or addresses, any person other than a wife of the Holy Prophet Muhammad (Peace be upon him), as “Ummul Mumineen”, (C) Refers to or addresses any person, other than a member of the family (Ahle-Bait) of the Holy Prophet Muhammad (Peace be upon him) as Ahle-Bait, or (D) Refers to, or names, or calls, his place of worship as “Masjid”, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qadiani Group or Lahori Group (who call themselves Ahmadis or any other name) who by words, either spoken or written or by visible representation, refers to the mode or form call to prayers followed by his faith as “Azan” or recites “Azan” as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years three years, and shall also be liable to fine.”

298-C. Person of Qadiani Group, etc., calling himself a Muslim or Perching or Propagating his faith.-

Any person of the Qadiani Group, or the Lahori Group (who call themselves Ahmadis or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites other to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslim, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.”

4. **Insertion of new Section 354-A, Act XLV of 1860.**- In the said code in Chapter XV, after Section 354, the following new Section 354-A shall be inserted, namely:-
“**354-A.** Assault or use of criminal force to woman and stripping her of her clothes.- Whoever assaults or uses criminal force to any woman and strips her of her of her clothes and, in that condition, exposes her to the public view, shall be punished with death or with imprisonment for life and shall also be liable to fine.”
5. **Repeal.**-The Penal Code (Amendment) Ordinance, 1984 (Ordinance CCXXIX of 1984) is hereby repealed.

Sd/-

(Major General (R) Abdul Rehman Khan)
President,
Azad Jammu & Kashmir.