

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

"Muzaffarabad"
Dated: 14.12.2016

No.LD/Legis-Act/ 244-53/2016. The following Act of Assembly received the assent of the President on the 11th day of December 2016, is hereby published for general information.

[Act XXX of 2016]

An
Act

further to amend the Prohibition (Enforcement of Hadd) Act, 1985

Whereas it is expedient further to amend the Prohibition (Enforcement of Hadd) Act, 1985 (Act IV of 1985), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Prohibition (Enforcement of Hadd) (Amendment) Act, 2016.
(2) It shall come into force at once.
2. **Amendment of Section 3, Act IV of 1985.**- In the Prohibition (Enforcement of Hadd) Act ,1985 (Act IV of 1985) hereinafter referred to as the said Act, in Section 3, following Amendments shall be made-
 - i. in sub-section (1), after the words "liable to fine", the words "which may not be less than twenty thousand rupees" shall be added; and thereafter following proviso shall be added:

"Provided that whoever commits offence under section 3 for the second time or any time subsequent thereto shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine which may extend to twenty thousand".
3. **Amendment of Section 4 , Act IV of 1985.**- In the said Act, in Section 4-
 - (i) after the words "liable to fine", the words, "which may not be less than ten thousand rupees" shall be added;
 - (ii) in second proviso, after the words "liable to fine", the words "which may not be less than ten thousand rupees" shall be added; and
 - (iii) after second proviso, following new proviso shall be added:

"Provided further that whoever commits offence under section 4 for the second time or any time subsequent thereto shall be punished with imprisonment

of either description for a term which may extend to seven years and shall also be liable to fine which "shall not be less than twenty thousand".

4. **Amendment of Section 11 , Act IV of 1985.-** In the said Act, in Section 11, in clause (c), following amendments shall be made,-

- (i) for the words "three years" the words "five years" shall be substituted;
- (ii) at the end of clause (c) after the word "both" the words "and shall also be liable to fine which may not be less than twenty thousand rupees" shall be added and thereafter following proviso shall be added.

"Provided that whoever commits offence under Section 11 for the second time or any time subsequent thereto shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine which may not be less than twenty thousand rupees".

5. **Amendment of Section 12, Act IV of 1985.-** In the said Act, in Section 12, in sub-section (2) for the words "may extent to five hundred rupees", the words "shall not be less than five thousand rupees" shall be added.

6. **Addition of Section 27-A, Act IV of 1985.-** In the said Act, after Section 27, following new Section 27-A shall be added.-

"27-A Offences to be cognizable and non-bailable.- Notwithstanding anything contained in any other law for the time being enforce, offences under this Act shall be cognizable and non-bailable".

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(Mehr-un-Nisa Qadri)
Section Officer (Legislation)