

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

“Muzaffarabad”
Dated: 09.02.2016

No. LD/Legis-Act/ 220/2016. The following Act of Assembly received the assent of the President on the 08th day of February 2016, is hereby published for general information.

[Act XXIII of 2016]

**An
Act**

to amend the Azad Jammu and Kashmir Shariat Court Act, 1993

Whereas, it is expedient to amend the Azad Jammu and Kashmir Shariat Court Act, 1993 (Act IX of 1993), in the manner hereinafter appearing:

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Shariat Court (Amendment) Act, 2016.
(2) It shall come into force at once and shall be deemed to have taken effect from 11.04.2015.
2. **Amendment of Section 3, Act IX of 1993.**- In the Azad Jammu and Kashmir Shariat Court Act, 1993 (Act IX of 1993), in Section 3, following amendments shall be made:
 - (i) Sub-section (2) shall be substituted as under:-

“(2) The Court shall consist of the Chief Justice and two or more Muslim Judges to be appointed by the President on the advice of Prime Minister after consultation with the Chief Justice of Azad Jammu and Kashmir and the Chief Justice of Shariat Court:

Provided that a Judge of High Court in addition to his duties as such, may be appointed as a Judge of Shariat Court for a specific case or for a period not exceeding three years.”
 - (ii) Sub-section (4), shall be substituted as under:-

“(4) A person shall not be appointed as a Judge of Shariat Court unless,

 - (a) he has for a period, or for periods aggregating, not less than ten years, been an advocate or pleader of the High Court or High Court in Pakistan, or
 - (b) he has for a period of not less than ten years held a judicial office out of which not less than three years shall have been as District and Sessions Judge; and

(iii) After sub-section (4), substituted as above, a new sub-section (4-A) shall be added as under:-

“(4-A) One shall be an *Aalim* judge who shall be appointed on contract basis for a period of three years, at least fifteen years experience in Islamic Law, research or instruction and L.L.M Degree in Shariah.”

(iv) After existing sub-section (5), a new sub-section (5-A) shall be added as under:-

“(5-A) A Judge of Shariat Court shall not be removed from his office except in the like manner and on the same grounds as a Judge of the High Court under the Interim Constitution Act, 1974.”

-sd-

(Ch. Muhammad Nawaz)
Section Officer (Legislation)