

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 9th February, 2016

No. LD/Legis-Act/219/2016. The following Act of Assembly received the assent of the President on the 8th day of February 2016, is hereby published for general information.

(ACT XXII OF 2016)

An

Act

to amend the Azad Jammu and Kashmir Maintenance of Public Order Act, 1985

WHEREAS, it is expedient to amend Azad Jammu and Kashmir Maintenance of Public Order Act, 1985 (Act XXIV 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 Azad Jammu and Kashmir Maintenance of Public Order (Amendment) Act, 2016.

(2) — It shall come into force at once.

2. Addition of Section 6-A, Act XXIV_ of 1985.- In the Azad Jammu and Kashmir Maintenance of Public Order Act, 1985 (Act XXIV of 1985), hereinafter referred to as the said Act, after Section 6, following new Section 6-A, shall be added:-

"6-A. Prohibition of certain speeches, etc.- (1) A person shall not, by words spoken or written, or through visible

representation, directly or by implication,-

(a) support, propagate or promote any terrorist, act of terrorism, terrorist organization or proscribed organization;

(b) evoke or attempt to evoke sympathy or compassion for any terrorist, act of terrorism, terrorist organization or proscribed organization;

(c) project, command or glorify any terrorist, act of terrorism, terrorist organization or proscribed organization;

(d) challenge, thwart, undermine or oppose any

action of any law enforcement agency, any

terrorist, act of terrorism, terrorist organization of proscribed organization; and

(e) jeopardize any ongoing security operation against any terrorist, act of terrorism, terrorist organization or proscribed organization.

(2) If a person contravenes any provision of sub-section (1), he shall be liable to punishment of imprisonment which may extend to three years and fine which shall not be less than fifteen thousand rupees but shall not exceed two hundred thousand rupees.

(3) In this action,-

(a) "terrorist and terrorism" shall have the same meaning as are assigned to these expressions under the Azad Jammu and Kashmir Anti Terrorism Act, 2014 (Act XL of 2014);

(b) "Proscribed Organization" means an Organization proscribed under Section 12 of the Azad Jammu and Kashmir Anti Terrorism Act, 2014 (Act XL of 2014) or any other law for the time being in force."

3. Addition of Section 8-A, Act XXIV of 1985.- In the said Act, after Section 8, following new Section 8-A, shall be added:-

"8-A. Recording of certain speeches.-(1) The incharge of a local area police station may direct, in writing, the

organizer of a public meeting to make audio or video record of all the speeches made in a public meeting and submit, within twenty four hours from the time of conclusion of the last speech, or before noon on the next day, whichever is earlier, an unedited copy of such recording to such officer who shall immediately acknowledge receipt of the recording.

(2) The officer receiving the recording under sub-section (1) shall transmit the recording to such officer or authority as may be prescribed or nominated by the Government.

(3) If a person contravenes any provision of sub-section (1), he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed one hundred thousand rupees.

(4) In this section;

(a) "organizer" means the person or persons who has or have organized the public meeting or invited people to attend the same and includes owner, manager or incharge of the place where public meeting is held; and

(b) "public meeting" shall have the same meanings as assigned to the expression in Section 8."

4. Addition of Section 18-A, Act XXIV of 1985.- In the said Act, after Section 18, following new Section 18-A, shall be added:-

"18-A. Uniforms of an agency.- (1) A person. shall not

manufacture, possess, buy or sell uniform of police or of any other organization notified by the Government except under a licence from the police or, as the case may be, such other notified organization.

(2) The manner, duration, terms and conditions, revocation of a licence and other related matters may be prescribed by rules and until so prescribed, may be determined by the police or, as the case may be, such other notified organization.

(3) If a person contravenes any provision of sub-section (1) or violates any conditions of the licence, he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed one hundred thousand rupees, and any such uniforms shall be seized and forfeited to the Government.

(4) Nothing in this section shall apply to a person who is in the service of police or of other notified organization and is authorized by the police or, as the case may be such other organization to manufacture, possess or sell the uniform of police or the organization."

5. Substitution of Section 22, Act XXIV of 1985.- In the said Act,

Section 22 shall be substituted as under:-

"22.

Summary trial.- (1) A Magistrate of the first class shall conduct the trial of an offence under this Act punishable to imprisonment which may extend to one year or fine or with both in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

(2) Notwithstanding anything contained in any other law, the Government may, by notification, direct that a Magistrate of the first class shall conduct the trial of any offence under this Act in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.”

Addition of Section 22-A, Act XXIV of 1985.- In the said Act, after Section 22, as substituted above, following new Section 22-A, shall be added:-

“22-A. Compounding of offence.— (1) Subject to sub-section (2), the Government or an officer of the Government specifically authorized in this behalf may, at any stage and under specified conditions, compound an offence under Section 8-A or Section 18-A of this Act subject to the deposit of administrative penalty which shall not be less than twenty five thousand rupees.

(2) The offence under this Act shall not be compoundable if the accused had been previously convicted under the said Act or his previous offence had been compounded by the Government or the officer authorized by the Government.”

Savings and validation.- Notwithstanding any judgment of Supreme Court or High Court, all actions taken, decisions made, orders passed, proceedings initiated, powers exercised, powers conferred etc., which have been visualized by this Act, shall be deemed to have been validly taken, made, passed, issued, initiated, exercised and conferred under this Act.

Repeal.- The Azad Jammu and Kashmir Maintenance of Public Order (Amendment) Ordinance, 2015 (Ordinance XXII of 2015) is hereby repealed.

Sd/-
(Ch. Muhammad Nawaz)
Section Officer Law