

No. LD/Leg/289-96/98. The following Act of the Assembly received the assent of the President on 09-08-1998 is hereby published for general information:-

(ACT I OF 1998)

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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, 1998.

(2) It shall come into force at once.

2. Amendment of Section 3, Act IX of 1993:- In the Azad Jammu

and Kashmir Shariat Court Act, (Act IX of 1993), for Section 3, following shall be substituted:-

"3) The Azad Jammu _and Kashmir Shariat_Court:-

(1) There shall be constituted for the purpose of this Act a Court to be called the Azad Jammu and Kashmir Shariat Court.

(2) The Court shall consist of the Chief Justice and one or more Muslim Judges to be appointed by the President:

Provided that a Judge of High Court may be appointed as Judge of Shariat Court for a period not exceeding three years.

(3) The Chief Justice of the High Court shall be the Chief Justice of the Shariat Court.

(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 of Azad Jammu and Kashmir or High Court in Pakistan;

(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 District and Sessions Judge.

(5) A Judge of Shariat Court who is not a Judge of High Court shall hold office until he attains the age of sixty two years, unless he sooner resigns or is removed from office in accordance with law.

(6) The Judge of Shariat Court, other than the Judge of High Court, holding office at the time of commencement of this Act shall be deemed to have been appointed under sub-section (2) and in terms of sub-section (5).

(7) The principle seat of the court shall be at Muzaffarabad and it may hold sitting at other District Headquarters from time to time as the Chief Justice may appoint.

(8) Before entering upon office, the Chief Justice and a Judge of the Shariat Court shall make before the President or a person nominated by him, oath in the form set out in the schedule.

(9) At any time when the Chief Justice or Judge is absent or is unable to perform the function of his office, or it is necessary to increase the number of Judges temporarily, the President shall appoint another person qualified for the purpose, for such period as the President may determine, to act as Chief Justice or, as the case may be, Judge.

(10) The President may, at any time, in consultation with the Chief Justice, by order in writing modify the period of office of a judge, who is appointed from Judges of the High Court.

(11) _ A Judge of Shariat Court who is not a Judge of the High Court shall be entitled to the same salary, allowances, pension and privileges as are admissible to a Judge of High Court in Pakistan.

Repeal.- The Azad Jammu and Kashmir Shariat Court Ordinance, 1998 (Ordinance XVII of 1998) is hereby repealed.

Sd/- (Justice Iftikhar Hussain Butt)
Secretary Law