

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,

MUZAFFARABAD

Dated the 18th August, 1992.

No. 835-840/LD/Leg (O)/92. The following Act of the Assembly received the assent of the President on 16th August, 1992, is hereby published for general information:-

AN
ACT

(Act XXIII of 1992)

further to amend the Azad Kashmir Courts and Laws Code, 1949;

WHEREAS, it is expedient to amend the Azad Kashmir Courts and Laws Code, 1949, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the Azad Kashmir Courts and Laws Code (Amendment) Act, 1992.
(2) It shall come into force at once.

2. Amendment of Section 5, Azad Kashmir Courts and Laws

Code, 1949.- In the Azad Kashmir Courts and Laws Code, 1949, hereinafter referred to as the Code, in Section 5;

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(a)

(b)

for sub-section (1), the following shall be substituted:-

The High Court shall consist of a Chief Justice and three or more other Judges.

after sub-section (1) the following new sub-section (1-A) shall be inserted and shall be deemed always to have been so inserted, namely:-

“(1-A) At any time when:-

the office of the Chief Justice of the High Court is vacant; or

the Chief Justice of the High Court is absent or is unable to perform the functions of his office due to any other cause;

The President shall appoint the most senior of the other Judges of the High Court to act as Chief Justice."

Omission of Section 6, 8 and 12 Azad Kashmir Courts and Laws Code, 1949.- In the said Code, Sections 6, 8 and 12 shall be omitted.

Insertion of Section 6-A, Azad Kashmir Courts and Laws Code, 1949.- In the said Code, after Section 6, the following new Section 6-A shall be inserted, namely:-

“6-A. Seat of the High Court. - (1) The Principal seat of High Court shall be at Muzaffarabad.

(2) The President may establish one or more permanent Benches and Circuit Benches of High Court at such place or places as he may deem expedient.

(3) A Bench referred to in sub-section (2) of this Section shall consist of such of the Judges of the High Court as may be nominated by the Chief Justice from time to time.”

Amendment of Section 17, Azad Kashmir Courts and Laws Code, 1949.- In the said Code in Section 17, sub-section (2) shall be omitted.

Substitution of Section 28, Azad Kashmir Courts and Laws Code, 1949.- In the said Code, for Section 28, the following shall be substituted, namely:-

“28. For the purpose of this-Act, the Government shall divide territories under its administration into Civil Districts and Sub-Divisions and may, from time to time, alter the limits or the number of these Districts and Sub-Divisions.

Amendment of Section 29, Azad Kashmir Courts and Laws Code, 1949.- In the said Code, in Section 29:-

(a) for sub-section (2) the following shall be substituted, namely:-

“(2) The Government, in consultation with the High Court, may appoint an Additional District Judge for any District or Sub-Division. An Additional District Judge shall discharge the functions of a District Judge in one or more Sub-Divisions, as the Government may direct; and

(b) in sub-section (3) between the words “shall” and “discharge” the word “also” shall be inserted.

Amendment of Section 30, Azad Kashmir Courts and Laws Code, 1949.- In the said Code, in Section 30:-

(a) In sub-section (1) the words “after consultation with the High Court” shall be deleted.

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(b) sub-section (2) shall be omitted.

Omission of Section 35, Azad Kashmir Courts and Laws Code, 1949. - In the said Code, Section 35 shall be omitted.

Amendment of Section 44, Azad Kashmir Courts and Laws Code, 1949. - In the said Code, Section 44, for the words "by the Government" the words "as provided by the relevant law" shall be substituted.

Omission of Sections 50 and 51, Azad Kashmir Courts and Laws Code, 1949. - In the said Code, Sections 50 and 51 shall be omitted.

Amendment of Section 52, Azad Kashmir Courts and Laws Code, 1949. - In the said Code, in Section 52, in sub-section (1), clause (e) shall be omitted.

Omission of Sections 55, 56 and 59, Azad Kashmir Courts and Laws Code, 1949. - In the said Code, Sections 55, 56 and 59 shall be omitted.

General Amendment, Azad Kashmir Courts and Laws Code, 1949. - In the said Code, for the wordss "Azad Kashmir Courts and Laws Code" wherever occurring the words "Azad Kashmir Courts and Laws Code" shall be-substituted.

Repeal. - The Azad Kashmir Courts and Laws Code, (Amendment) Ordinance; 1992 (Ordinance LXXII of 1992) is hereby repealed.

Sd/-

(Syed Shakir Shah)

Additional Secretary Law.