

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD

Dated the 5" January, 1988.

No. 19-24/88. The following Act passed by the Assembly on 14% December 1987 received the assent of the President on 4 day of January, 1988 is hereby published for information;

(ACT II OF 1988)

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ACT

to provide for measures to observe the sanctity of the month of Ramzan.

WHEREAS, in view of the tenants of Islam it is necessary to

provide for measures to observe the sanctity of the month of Ramzan;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement. - (1) This Act may be called the Ehtram-i-Ramzan Act, 1988.

(2) It extends the whole of Azad Jammu and Kashmir

(3) It shall come into force at once.

2. Definition.- In this Act, unless there is anything repugnant in the subject or context, 'public place' includes any hotel, restaurant, canteen, house, room, tent, enclosure, road, lane, bridge or other public place to which the public have access.

3. Prohibition of Eating etc. in Public Places.- (1) No person who

according to the tenets or Islam, is under an obligation to fast shall eat, drink, or smoke in a public place during fasting hours in the month of Ramzan.

(2) Whoever contravenes the provisions or sub-section (1) shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to rupees five hundred, or both.

4. Prohibition of Serving Eatable in Certain Public Places.- (1)

No proprietor, manager, servant or other person incharge of a hotel, restaurant or canteen or other public places, shall knowingly and willfully offer or serve or cause to be offered or served any eatables during the fasting hours in month of Ramzan to any person who according to the tenets of Islam, is under an obligation to fast.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with simple imprisonment for a term which may extent to three months, or with fine which may extend to rupees five hundred, or both.

Exemptions.- Nothing contained in Section 4 shall apply in respect of:-

(a) A Canteen or Kitchen maintained in hospital for serving food to patients;

(b) a Kitchen or canteen meant for children of primary classes.

Cinema-houses, theaters etc, to remain closed during

Ramzan.- (1) All cinema-houses, theatres, clubs and similar

other establishments or Institutions shall remain closed during the fasting hours and three hours after in the month of Ramzan.

(2) If the proprietor, manager, servant or other person in charge of a cinema house, theatre, club or similar other establishment or institution contravene the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or fine which may extend to rupees five thousand or both.

(3) Whoever instigates any proprietor or manager of a Cinema house, theatre, club or similar other establishment to contravene the provisions of sub-section (1), shall be punishable under sub-section (2).

Power_to_enter_and_arrest.- (1) if any Magistrate, Qazi, member Legislative Assembly, member Azad Jammu and Kashmir Council, the Chairman of District Council or a Municipal Committee or a Town Committee, or the Chairman or member of a District Zakat and Usher Committee has reason to believe that an offence punishable under this Act, has been committed by any person in or at a public place, he may enter the public place and arrest such person.

(2) Where the Magistrate arresting any person under sub-section (1) is for the time being empowered to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898) such Magistrate may try such person at the place where he is arrest in accordance with the provisions contained in Section 262 to 265 of the said code.

(3) When any person is arrested under sub-section (1) by a person other than a Magistrate referred to in sub-section (2) such person shall, if a bond to be satisfaction is not executed, forwarded the person arrested to the nearest police station, with a report of the circumstances in which such arrest was made.

Cognizance of Offence and Procedure.- (1) Save as provided in sub-section (2) of Section 7, no court shall take cognizance of

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any offence punishable under this Act except on a complaint in writing made by a person authorized to arrest under sub-section (1) of that Section or by the officer incharge of the police station in whose jurisdiction the offence is alleged to have been committed.

(2) Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1), of Section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), may try any offence punishable under this Act in accordance with the provisions contained in Section 262 to 265 of the said Code.

(3) The officer-in-charge of the police station to which a person arrested is forwarded under sub-section (3) of Section 7 shall make a complaint a Magistrate in 24 hours of the time of which such person is brought to the police station.

(4) The trial of an offence punishable under this Act shall be taken up on a priority basis and shall be concluded as expeditiously as possible.

Power to make rules.- (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide that, in a canteen or a restaurant referred to in clause (a) and (b) of section 5, eatables or articles of smoking shall only be served at a place protected from public view by means of a certain or otherwise, and specify the classes of persons who may be admitted to any such canteen, or restaurant during fasting hours in the month of Ramzan.

(3) A person contravening any rule under sub-section (1) shall be deemed to be guilty of an offence punishable under Section 4 and shall be punishable accordingly.

Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

Repeal.- The Azad Jammu and Kashmir Sanctity of Ramzan Act, 1971 is hereby repealed.

Sd/-

(Syed Shakir Shah)
Section Officer Law

