

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

Dated the 23rd October, 1985.

No. 2171-73/LD/Leg (A)/85, The following Act approved by the Azad Jammu and Kashmir Legislative Assembly at its meeting held on 6th October, 1985 and assented by the President on 21st October, 1985, is hereby published for general information:-

(Act VIII OF 1985)

AN

ACT

to amend the Penal Code, 1860.

WHEREAS it is necessary to amend the Penal Code, 1860 (Act XLV of 1860) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the Penal Code (Amendment) Act, 1985.

(2) It shall come into force at once and shall be deemed to have taken effect on and from the 6th day of October, 1985. .

2. Insertion of new Section 123-B, Act XLV of 1860.- In the Penal Code 1860 (Act XLV of 1860), as in force in Azad Jammu and Kashmir, hereinafter referred to as the said Code after Section 123-A, the following new Section 123-B, shall be inserted, namely:-

“123-B.Defiling or unauthorisely removing the National flag of Pakistan or flag of Azad Jammu and Kashmir form Government buildings etc.- Whoever deliberately defiles the National Flag of Pakistan or the Flag of Azad Jammu and Kashmir or unauthorisely removes it from any Government building premises, vehicle or other property of Government, shall be punished with imprisonment of either description for a terms with may extend to three years or with fine or with both.”

3. Addition of new Sections 298-A, 298-B and 298-C, Act XLV of 1860.- In the said Code, after Section 298, the following new Sections shall be added, namely:-

“298-A.Use_of derogatory remarks etc., in respect_of_holy personages:- Whoever by words either spoken or written, or by visible representation or by any imputation innuendo or insinuation directly or indirectly, defiles the

sacred name or any wife (Ummul-Muninee), or members of the family (Ahle-Bait), of the Holy Prophet (Peace be upon him), or any of the righteous Caliphs Khufa-i-Rashideen) and companions (Shaaaba) of the Holy Prophet (Peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.”

“298-B.Misuse of Epithets Descriptions and Titles Etc. Reserved

298-C.

for Certain Holy Personages or Places.- (1) Any person of the Qadiani Group or the lahari Group (who call themselves Ahmadis or by any other name) who by words, either spoken or written, or by visible representation.- (A) Refers to or addresses, any person, other than a caliph or companion of the Holy Prophet Muhammad (peace be upon him), as ‘Ameerul Munineen’, Khalifat-ul-Muninee, ‘Khalifatul Muslimeen, ‘Sahaabi’ or ‘Razi-Allah-Anho (B) Refers to or addresses, any person other than a wife of the Holy Prophet Muhammad (peace be upon him) as ‘Ummul Mumineen,’ (C) Refers to or addresses any person, other than a member of the family (Ahle-Bait) of the Holy Prophet Muhammad (peace be upon him) as Ahle-Bait, or (D) Refers to, or names, or calls, his place of worship as ‘Masjid’, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qadiani Group or Lahori Group (who call themselves Ahmadis or by any other name) who by words, either spoken or written or by visible representation, refers to the mode or form call to prayers followed by his faith as ‘Azan’ or recites ‘Azan” as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Person of Qadiani Group, Etc. Calling Himself_A Muslim or Preaching or Propagating His Faith- Any Person of Qadiani Group, or Lahori Group (who call themselves Ahmedis or by any other name), who directly or indirectly , upon poses himself as a Muslim, or calls, or refers to his faith as Islam or preaches or propagates his faith, or invites others to accept his faith by word either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feeling of Muslims, shall be punished with

imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.”

Insertion of new Section 354-A, Act, XLV of 1960.- In the said Code in Chapter XV, after Section 354, the following new Section 354-A shall be inserted namely:-

“354-A. Assault or use of criminal force to woman and stripping her _of her clothes.- Whoever assault or uses criminal force to any woman and strips her of her clothes and, in that condition, exposes her to the public view, shall be punished with death or with imprisonment for life, and shall also be liable to fine.”

Repeal.- The Penal Code (Amendment) Ordinance, 1985 Ordinance CLV of 1985) is hereby repealed.

Sd/-

(Syed Atta Mohy-ud-Din Qadri)
Deputy Secretary