

THE SHARIAH NIZAM-E-ADL REGULATION, 2009.

([KHYBER PAKHTUNKHWA] REG. NO. I OF 2009)

CONTENTS

PREAMBLE

SECTIONS

1.

2.

Short title, extent and commencement.

Definitions.

Application of certain laws.

Certain laws to cease to operate.

Courts.

Qazis and their powers and functions.

Executive Magistrate.

Submission of Challan to Qazi or Executive Magistrate.

Proceedings to be in accordance with Shariah.

Observance of time schedule.

Establishment of courts.

Appeal and revision.

Power to appoint musleh.

Conduct of Judicial Officers and Executive Magistrates.

Aid and assistance to courts.

Language of the Court and its record.

‘Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

17. Power to make rules.
18. Regulation to override other laws.
19. Repeal.

SCHEDULE

THE SHARIAH NIZAM-E-ADL REGULATION, 2009.
('[KHYBER PAKHTUNKHWA] REG. NO. I OF 2009)

[16 April, 2009]

A

REGULATION

to provide for Nifaz-e-Nizam-e-Sharia'h through
Courts in the Provincially Administered Tribal
Areas of the *[Khyber Pakhtunkhwa]
except the Tribal Area adjoining Manshera
district and the former State of Amb.

Preamble.---WHEREAS it is expedient to provide for Nifaz-e-Nizam-e-Sharia'h
through Courts in the Provincially Administered Tribal Areas of the *[Khyber
Pakhtunkhwa], except the Tribal Areas adjoining Mansehra district and the former
State of Amb;

AND WHEREAS clause (3) of Article 247 of the Constitution of the Islamic
Republic of Pakistan provides that no Act of Majlis-e-Shoora (Parliament) or a
Provincial Assembly shall apply to a Provincially Administered Tribal Areas, or any
part thereof, unless the Governor of the Province in which the Tribal Area is situated,
with the approval of the President, so directs, and in giving such direction with
respect to any law, the Governor may direct that the law shall, in its application to a
Tribal Area, or to a specified part thereof, have effect subject to such exceptions and
modifications as may be specified in the direction;

AND WHEREAS clause (4) of Article 247 of the Constitution of the Islamic
Republic of Pakistan provides that the Governor of a Province, with the prior
approval of the President, may, with respect to any matter within the legislative
competence of the Provincial Assembly, make regulations for the peace and good
governance of Provincially Administered Tribal Areas or any part thereof;

NOW, THEREFORE, in exercise of the powers aforesaid, the Governor of
the "[Khyber Pakhtunkhwa], with the approval of the President, is pleased to make
the following Regulation:-

1. Short title, extent and commencement.---(1) This Regulation may be called
the Shariah Nizam-e-Adl Regulation, 2009.

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

5Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

(2) It shall extend to the Provincially Administered Tribal Areas of the [Khyber Pakhtunkhwa], except the Tribal Area adjoining Mansehra district and the former State of Amb, hereinafter referred to as the said area.

(3) It shall come into force at once.

2. Definitions.---(1) In this Regulation, unless there is anything repugnant in the subject or context,-

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

(i)

“Court” means the court of competent jurisdiction established and designated as such under this Regulation, and includes a court of appeal or, as the case may be, a court of revision;

“Dar-ul-Dar-ul-Qaza” means the final appellate or revisional court, in the said area, designated as such, under this Regulation, in pursuance of clause (2) of Article 183 of the Constitution of Islamic Republic of Pakistan ;

“Dar-ul-Qaza” means appellate or revisional Court constituted by Governor of the *[Khyber Pakhtunkhwa] in the said area, under clause (4) of the Article 198 of the Constitution of the Islamic Republic of Pakistan;

“Government” means the Government of the *[Khyber Pakhtunkhwa];

“paragraph” means a paragraph of this Regulation;

“prescribed” means prescribed by rules made under this Regulation;

“Qazi” means a duly appointed judicial officer as specified and designated in column 3 of Schedule I;

“recognized institution” means the Shariah Academy established under International Islamic University Ordinance, 1985 (Act XXX of 1985) or any institution imparting training

in Uloom-e-Shariah and recognized as such by Government;

“Schedule” means a Schedule to this Regulation;

‘Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

5Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

Gj) "Sharia'h" means the injunctions of Islam as laid down in Quran Majeed, Sunnah-e-Nabwi (Sallallaho Alaihe Wasallam), Ijma and Qias.

Explanation.---In the application of this clause to the personal law of any Muslim sect, the expression "Quran Majeed and Sunnah-e-Nabvi (Sallallaho alaihe wasallam)" shall mean the Quran Majeed and Sunnah-e-Nabvi (Sallallaho alaihe wasallam) as interpreted by that sect.

(2) All other expressions, not expressly defined in this Regulation, shall have the same meanings as assigned to them in any other law for the time being in force in the said area.

3. Application of certain laws.---(1) The laws specified in column 2 of Schedule-I, as in force in the North-West Frontier Province immediately before the commencement of this Regulation, and so far as may be, all rules, notifications and orders made or issued there under, shall apply to the said area.

(2) All the laws applicable to the said area, including the laws mentioned in sub-paragraph (1), shall so apply subject to such exceptions and modifications as specified in this Regulation.

4. Certain laws to cease to operate.---If, immediately before the commencement of this Regulation, there was in force in the said area any law, instrument, custom or usage having the force of law not corresponding to the Injunctions of Quran Majeed and Sunnah-e-Nabvi (Sallallaho alaihe Wasallam) or provisions of any of the laws applied to the said area by this Regulation, such law, instruments, custom or usage, as the case may be, shall upon such commencement, cease to have effect in the said area.

5. Courts.---Besides, Dar-ul-Dar-ul- Qaza and Dar-ul- Qaza, there shall be following courts of competent jurisdiction, in the said area:

(a) Court of Zilla Qazi;

(b) Court of Izafi Zilla Qazi;

(c) Court of Aa' la Illaqa Qazi;

(d) Court of Illaqa Qazi; and

(e) Court of Executive magistrate

6. Qazis and their powers and functions.---(1) Any person to be appointed as Illaqa Qazi in the said area shall be a person who is a duly appointed judicial officer in the '[Khyber Pakhtunkhwa] and preference shall be given to those judicial officers who have completed Shariah course from a recognized institution.

'Substituted vide Notification No. SO(JudI)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

(2) In relation to proceeding with and conducting the criminal or civil cases, all powers, functions and duties conferred, assigned or imposed on Judicial Officers in the '[Khyber Pakhtunkhwa]' under any law for the time being in force, shall, subject to application of such law in the said area and established principles of Sharia'h, be exercised, performed or discharged by them as designated in column 3 of Schedule II.

(3) Subject to the general supervision of the principal seat of Dar-ul-Qaza, a Zilla Qazi shall supervise the work of subordinate courts, and, through the District Police Officer concerned, the process serving staff, with in the local limits of his jurisdiction.

7. Executive Magistrate.----(1). In each District or protected area, there shall be a District Magistrate, Additional District Magistrates, Sub Divisional Magistrates and other Executive Magistrates as the Government may deem necessary to appoint.

(2) The District Magistrate and all other Executive Magistrates shall discharge their responsibilities and exercise their powers according to the established principles of Shariah and other laws for the time being in force in the said area.

(3) Keeping peace, maintaining order, enforcing the executive authority of the Government and "Sadd-e-Zara-e-Jinayat" shall be the duty, responsibility and power of the District Magistrate. For this purpose he can take action against an individual under the established principles of Shariah.

(4) The cases included in Schedule-III to the Regulation shall be exclusively triable by Executive Magistrates.

EXPLANATION.-The expression "Sadd-e-Zara-e-Jinayat" means and includes all actions and steps taken under the Shariah laws and any other law in force for the time being for the control of crimes.

8. Submission of Challan to Qazi or Executive Magistrate.---(1) It shall be the duty of every officer-in-charge of a police station to ensure that complete challan in each criminal case is submitted to the concerned Court with in fourteen days from the date of lodging the first information report, except in a case in which the concerned Qazi or Executive Magistrate has granted special extension of time for a specified period for reasons to be recorded:

Provided that if any officer-in- charge of police station or investigation officer fails to submit complete chalan within specified period, the Qazi or Executive Magistrate concerned shall refer the matter to competent authority for disciplinary action against the police officer

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

responsible for such delay and necessary action shall be taken against him forthwith and shall be duly communicated to the referring Qazi or Executive Magistrate.

(2) The officer-in-charge of a police station shall submit a copy of the first information report to concerned Qazi, or Executive Magistrate within twenty four hours of its lodging, and inform the concerned Qazi, and Executive Magistrate from time to time, about the position and further progress of investigation of the case.

9. Proceedings to be in accordance with Shariah.---(1) A Qazi or Executive Magistrate shall seek guidance from Quran Majeed, Sunna-e-Nabvi (Sallallahu Alaihe Wasallam), Ijma and Qiyas for the purposes of procedure and proceedings of conduct and resolution of cases and shall decide the same in accordance with shariah. While expounding and interpreting the Quran Majeed and Sunna-e-Nabvi (Sallallahu Alaihe Wasallam), the Qazi and Executive Magistrate shall follow the established principles of exposition and interpretation of Quran Majeed and Sunna-e-Nabvi (Sallallahu Alaihe wasallam), and, for this purpose, shall also consider the expositions and opinions of recognized Fuqaha of Islam.

(2) No court shall entertain a suit unless the plaintiff or, as the case may be, the complainant verifies that copies of the plaint alongwith supporting documents have been sent, through registered post with acknowledge due to all defendants, except in case of a suit for perpetual injunction accompanied by an application for temporary injunction.

(3) The pleadings shall be accompanied by copies of all relevant documents and affidavits of all the unofficial witnesses duly attested by an oath commissioner. The affidavits so submitted shall be treated as examination —in-chief of such witness;

Provided that if, after submission of pleadings, in the opinion of court, new issue arises, party to proceedings may be allowed to submit afresh copies of relevant documents and affidavits of unofficial witness attested in the manner aforesaid, for arriving at just conclusion of case.

(4) In all cases of civil nature written statement shall be submitted within seven days and where the defendant fails to do so his defence shall be struck off:

Provided that the court may extend time for filing of written statement in extraordinary circumstances for an additional period of seven days. The time so allowed shall not be extended further on any ground whatsoever.

(5) After completion of evidence, the court shall ask the parties to argue, either verbally or in writing, on the adjourned date, and, if either of the party fails to

do so on the date so fixed, the court shall pronounce judgment on merits, without any further adjournment for arguments:

Provided that it shall be the duty of the court to make list of relevant reported judgments, referred to by any party as precedent, which shall form part of judicial record.

(6) No adjournment shall be granted to either party in any civil or criminal proceedings, except where the court is satisfied that adjournment is unavoidable. In such case the requesting party shall deposit the costs in court which shall not be less than two thousand rupees.

10. Observance of time schedule.---(1) A period of not more than six months for disposal of a civil case, and a period of not more than four months for disposal of a criminal case, shall be standard time schedule, excluding the time spent for sulh proceedings.

(2) A Qazi shall finalize a case within the time schedule prescribed under sub-paragraph (1) and, in case of any delay in disposal of any case beyond such schedule, shall report the cause and reasons of such delay to the Zilla Qazi, or, as the case may be, to the presiding officer of the principal seat of Dar-ul-Qaza, and shall act on the directions issued by such court in this behalf.

(3) An Executive Magistrate shall also finalize a case within the time schedule prescribed under sub-paragraph (1) and, in case of any delay in disposal of any case beyond such schedule, shall report the case and reasons of such delay to the District Magistrate and shall act on the directions issued by him in this behalf.

(4) If the Zilla Qazi or, as the case may be, the presiding officer of the principal seat of Dar-ul-Qaza in relation to proceedings in the court of Qazi, upon examination of causes of delay, is of the opinion that the delay has been caused due to the delaying tactics of a party, it shall fix a penalty or cost to be recovered from the defaulting party and direct the court concerned to dispose of the case within an extended period of not more than one month.

(5) If the District Magistrate, in relation to proceedings in the court of Executive Magistrate, upon examination of causes of delay, is of the opinion that the delay has been caused due to the delaying tactics of a party, it shall impose a cost or cost to be recovered from the defaulting party and direct the court concerned to dispose of the case within an extended period of not more than one month.

(6) If in the opinion of Zilla Qazi or, as the case may be, of the presiding officer of the principal seat of the Dar-ul-Qaza, the Qazi or Executive Magistrate, dealing with the case or proceedings is responsible for delay in its disposal, the Zilla

Qazi or, as the case may be, the presiding officer of the principal seat of Dar-ul-Qaza may-

(a) in the case of Qazi, deliver upon him a letter of displeasure. If a Qazi is served with three letters of displeasure in a year, then the Zilla Qazi or as the case may be, presiding officer of the principal seat of Dar-ul-Qaza, after providing him an opportunity of being heard, may make an entry in his service record; and;

(b) in the case of Executive Magistrate, inform the District Magistrate about such delay and recommend for disciplinary action, provided in clause (a) and the District Magistrate shall act on _ the recommendations accordingly.

(7) In criminal cases, the Investigating Officer shall prepare copies of the case file in triplicate, in addition to judicial file, so that the trial court may retain the judicial file for regular trial, and the remaining two files, may be sent to the court concerned when requisitioned.

(8) An appeal or revision under this Regulation shall be filed within thirty days from the date of the decision in the respective case, after sending its copies, through registered post with acknowledge due, to the opposite part, and the appellate or revisional court shall decide the same within thirty days, without remanding it on any ground whatsoever:

Provided that such court shall have the power to rectify any illegality or irregularity of omission.

(9) Any decree shall be executed either by the court which passed it, or by the court it is sent for execution, within two months.

11. Establishment of courts.---(1) As soon as may be after the commencement of this Regulation, Government shall take necessary steps to establish as many courts as may be necessary to ensure expeditious dispensation of justice with in prescribed time schedule.

(2) Where the number of pending cases at a time exceeds more than one hundred and fifty in a court of Zilla Qazi, District Magistrate, or, as the case may be , Izafi Zilla Qazi, or exceeds more than two hundred cases in a court of Aa'la Ilaqa Qazi, Executive Magistrate, or, as the case may be, Ilaqa Qazi, it shall be necessary for the Government to establish a new court and provide it all related facilities to ensure dispensation of justice with in prescribed time schedule.

12. 'Appeal and revision.----Subject to the Constitution of the Islamic Republic of Pakistan, appeal or revision against the orders, judgment or decrees of the Dar-ul

Qaza shall lie to the Dar-ul-Dar-ul-Qaza established for the purposes of this Regulation.

13. Power to appoint musleh.---(1) Any civil or criminal case, subject to mutual consent of parties, may be referred to Musleh or, as the case may be, musleheen before recording of evidence, either on the agreement of the parties regarding the names of such musleh or musleheen, or in case of their disagreement, to such musleh or musleheen whose names appear on the list maintained by the court for such

purpose:

Provided that the cases falling within the purview of Hudood laws and cases by or against the Federal or Provincial Government or any statutory body or persons under legal disabilities shall not be referred for sul'h.

(2) The musleheen shall record their opinion with regard to a dispute referred to them with reasons thereof.

(3) Where a musleh or, as the case may be, musleheen, to whom a dispute has been referred for resolution, either fail or refuse to resolve it, or the Court is of the opinion that unnecessary delay has been caused, without sufficient reason, in resolving it, the Court, may, on the application of a party or suo moto, for reasons to be recorded, withdraw the order of such reference, and, after such withdrawal, it shall resolve the dispute in accordance with Sharia'h as if it were not referred for sul'h:

Provided that, in no circumstances, a case shall remain with a musleh or, as the case may be, musleheen for a period of more than fifteen days, but the court may, in extraordinary circumstances, for reasons to be recorded in writing, extend the time for fifteen days and, on the expiry of the aforesaid period, it shall stand withdrawn to the court for further proceedings.

(4) The Musleh or, as the case may be, the musleheen, appointed for such resolution of the dispute, after hearing the parties and their witnesses, if any, perusing the relevant document, if any, and inspecting the spot, if need be, shall form opinion about resolution of the dispute, with reasons therefor, and submit a report of their opinion to the concerned court without delay:

Provided that, in case the opinion is not unanimous, the opinion of the majority members and the opinion of each dissenting member, separately or jointly, with reasons thereof, shall be so submitted.

(5) The Court shall, if it is satisfied that the opinion in a case referred to for sul'h under sub-paragraph (1) is in accordance with Sharia'h, make it the rule of the Court, and shall announce it as such, but, if the court comes to the conclusion that the opinion is not in accordance with Sharia'h, it shall declare the opinion, for

reasons to be recorded, as null and void and shall start its proceedings for decision of such dispute in accordance with Sharia'h as if it were not referred for sul'h.

(6) The court shall, before proceeding further, provide an opportunity to the parties to submit objections, if any, to such report, and, if any, objections are so made, the court shall, after hearing the parties, decide about the correctness or otherwise of the objections.

(7) The court shall, keeping in view the actual expenses incurred by the musleh or musleheen, on travelling to, and stay at, the place other than the place of his or, as the case may be, their residence, and the time spent in dealing with the case, in particular circumstances of each case, fix the remuneration of such musleh or musleheen, to be paid by each party in such proportion as may be determined by the court.

14, Conduct of Judicial Officers and Executive Magistrates.---(1) The conduct and character of each Judicial Officer and Executive Magistrate shall be in accordance with the Islamic principles.

(2) Notwithstanding anything contained in any law for the time being in force, all cases, suits, inquiries, matters and proceedings in courts, pertaining to the said area, shall be decided by the courts concerned in accordance with Sharia'h:

Provided that cases of non-Muslims in matters of adoption, divorce, dower, inheritance, marriage, usages and wills shall be conducted and decided in accordance with their respective personal laws.

(3) Government may, from time to time, take such measures for the purposes of sub-paragraph (1), as it may deem necessary.

15. _—_ Aid and assistance to courts.---(1) All executive authorities in the said area, including members of law enforcing agencies and members of other services of Pakistan, shall act in aid and assistance of the courts, and shall implement their judicial decisions and orders.

(2) The Government may, where necessary, issue such directions to any law enforcing agency as are necessary in relation to service of court processes on the parties, witnesses or any other person, and, for any general or specific purposes, in order to ensure the conduct of such law enforcing agency in aid and assistance of the courts.

16. Language of the Court and its record.---All the processes and proceedings of the court, including the pleadings, evidence, arguments, orders and judgments shall be recorded and conducted in Urdu, Pushto or in English and the record of the Court shall also be maintained in the said language.

17. Powers to make rules.---The Government may, make rules for carrying out the purposes of this Regulation.

18. Regulation to override other laws.---The provisions of this Regulation shall have overriding effect notwithstanding anything to the contrary contained in any other law for the time in force in the said area.

19. Repeal.---(1) The Provincially Administered Tribal Areas Shari Nizam-e-Ad] Regulation, 1999 (N.-W.F.P. Reg. I of 1999), and rules framed there under are hereby repealed.

(2) The Code of Criminal Procedure (Amendment) Ordinance, 2001 (Ord. No. XXXVII of 2001), applied to the said area vide Home and Tribal Affairs Department's Notification No. 1/93-SOS-II (HD)/2001, dated 27" April,2002, is hereby repealed.

(3) Notwithstanding the repeal of the Regulation under sub-paragraph (1), or cessation of any law, instrument, custom or usage under paragraph 4, the repeal or cessation, as the case may be, shall not-

(a) revive anything not in force or existing at the time at which the repeal or cessation takes effect;

(b) affect the previous operation of the law, instrument, custom or usage or anything duly done or suffered thereunder;

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law, instrument, custom or usage;

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law, instrument, custom or usage; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and

any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law, instrument, custom or usage had not been repealed or ceased to have effect, as the case may be.

SCHEDULE -I

(See Paragraph 3(1)

S.No. Nomenclature of laws

1. 2.

1. The West Pakistan Historical Mosques and Shrines Fund Cess Ordinance, 1960 (W.P.Ord.V of 1960).

2. The Family Courts Act, 1964 (W.P.Act XXXV of 1964).

3. The Pakistan Arms Ordinance, 1965(W.P.Ord.XX of 1965).

4. The Law Reforms Ordinance, 1972 (Ord.XII of 1972).

5. | The Code of Civil Procedure (Amendment) Act, 1976, (XV of 1976).

6. The Law Reforms (Amendment) Ordinance,1976 (Ord.XXI of 1976).

7. The '[Khyber Pakhtunkhwa] Suppression of Crimes Ordinance, 1978 ('[Khyber Pakhtunkhwa] Ord. III of 1978).

8. The *[Khyber Pakhtunkhwa] Prevention of Gambling Ordinance, 1978 ('[Khyber Pakhtunkhwa] Ord. V of 1978).

9. The Code of Civil Procedure (Amendment) Ordinance, 1980 (Ord.X of 1980).

10. The Offences Against Properties (Enforcement of Hudood) (Amendment) Ordinance, 1980(Ord. XIX of 1980).

11. The Offence of Zina (Enforcement of Hudood) (Amendment) Ordinance, 1980 (Ord. XX of 1980).

12. The Offence of Qazf (Enforcement of Hadd) (Amendment) Ordinance 1980 (XXI of 1980).

13. The Ehtram-e-Ramzan Ordinance, 1981 (Ord. XXIII of 1981).

14. The Offences Against Property (Enforcement of Hudood) (Amendment) Ordinance, 1982 (Ord. II of 1982).

15. The Zakat and Ushr (Amendment) Ordinance, 1983 (Ord. VII of 1983).

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

5Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

21.
22.
23,
24.
25.
26.

27.
28.

29.
30.
31.
32.
33,
34,

The Zakat and Ushr (Second Amendment) Ordinance 1983 (Ord. X of 1983).

The Zakat and Ushr (Third Amendment) Ordinance, 1983 (Ord. XXVI of 1983).

The Anti-Islamic Activities of Qadianis Group, Lahore Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (Ord. XX of 1984).

The Zakat and Ushr (Amendment) Ordinance, 1984 (Ord. XLVI of 1984).
The '[Khyber Pakhtunkhwa] (Enforcement of Certain Provisions of Laws) Act, 1989 '[Khyber Pakhtunkhwa] Act II of 1980).

The Code of Civil Procedure (Amendment) Act, 1989 (IV of 1990).

The Zakat and Ushr (Amendment) Act, 1991 (XXIII of 1991).

The Enforcement of Sharia'h Act, 1991 (X of 1991).

The Pakistan Bait-ul-Mal Act, 1992 (I of 1992).

The Code of Civil Procedure (Amendment) Act, 1992 (VI of 1992).

The *[Khyber Pakhtunkhwa] Shari Act, 2003 (*[Khyber Pakhtunkhwa] Act No.II of 2003).

The *[Khyber Pakhtunkhwa] Wagf Ordinance, 1979 (Ord. I of 1979).

The °[Khyber Pakhtunkhwa] Consumer Protection Act, 1997 (Act VI of 1997).

The Pakistan Environmental protection Act, 1997 (Act XXXIV of 1997).
The Civil Law (Reforms) Act, 1994 (Act XIV of 1994).

The Fatal Accident Act, 1855 (Act XIII of 1855).

The Partition Act, 1893 (Act IV of 1893).

The '[Khyber Pakhtunkhwa] Antiquities Act, 1997 (Act VII of 1997).

The Essential Article (Control) Act, 1958.

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os January, 2016.

5Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: 08" January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

°Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

"Substituted vide Notification No.SO(Judl)/HD/9-1/2015/Vol.-I, dated: os" January, 2016.

35.

36.

37.

38.

39.

40.

41.

42.

43.

44.

45.

46.

47.

48.

The '[Khyber Pakhtunkhwa] Orphanages (Supervision and Control) Act, 1976 (Act XIV of 1976).

The West Pakistan Suppression of Prostitution Ordinance, 1961 (Ord. I of 1961).

The Price Control and Prevention of Profiteering and Hoarding Act, 1977 (XXIX of 1977).

The West Pakistan Regulation and Control of Loud Speaker and Sound Amplifiers Ordinance, 1965 (Ord. II of 1965).

The Prevention of Gambling Act, 1977 (Act XXVIII of 1977).

The Indecent Advertisement Prohibition Act, 1963 (Act XII of 1963).

The Travel Agencies Act, 1976 (Act XXX of 1976).

The Employment of Children Act, 1991 (Act V of 1991).

The 7[Khyber Pakhtunkhwa] Registration and Functions of Private Educational Institutions (Amendment) Ordinance, 2002 (Ord XLVI of 2002).

The *[Khyber Pakhtunkhwa] the Punjab Minor Canals (Amendment) Ordinance, 2002 (Ord. LVIII of 2002).

The “[Khyber Pakhtunkhwa] Local Government (Amendment) Act, 2005 (Act X of 2005).

The *[Khyber Pakhtunkhwa] Housing Authority Act, 2005 (Act XI of 2005).

The ‘[Khyber Pakhtunkhwa] Consumers Protection (Amendment) Act, 2005 (Act II of 2005).

The '[Khyber Pakhtunkhwa] Local Government (Second Amendment) Act, Act, 2006 (Act II of 2006).

‘Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: 08" January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: 08" January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

°Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

"Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

49.

50.

51.

52.

53.

54.

55.

56.

57.

58.

59.

60.

61.

62.

63.

64.

65.

66.

The '[Khyber Pakhtunkhwa] Societies Registration (Amendment) Act, 2006 (Act III of 2006).

The *[Khyber Pakhtunkhwa] Prohibition of Kite Flying Activities Act, 2006 (Act IV of 2006).

The *[Khyber Pakhtunkhwa] Interest of Personal Loans Prevention Act, 2007.

The "[Khyber Pakhtunkhwa] Agriculture and Livestock Produce Markets Act, 2007.

The *[Khyber Pakhtunkhwa] Forest Ordinance, 2002 (Ord. XIX of 2002).
The Anti-Terrorism (Second Amendment) Ordinance, 1999 (Ord. XIII of 1999).

The Anti-Terrorism (Third Amendment) Ordinance, 1999 (Ord. XX of 1999).

The Juvenile Justice System Ordinance, 2000 (Ord. XXII of 2000)

The Anti-Terrorism (Amendment) Ordinance, 2000 (Ord. XXIX of 2000).
The National Highway Safety Ordinance, 2000 (Ord. XL of 2000).

The Zakat and Ushr (Amendment) Ordinance, 2000 (Ord. XXI of 2001).

The Patents Ordinance, 2000 (Ord. LXI of 2001).

The Control of Narcotic Substances (Amendment) Ordinance, 2000 (Ord. LXVI of 2000).

The Zakat and Ushr (Amendment) Ordinance, 2001 (Ord. XXI of 2001).

The Arms Laws (Amendment) Ordinance, 2001 (Ord. LXVI of 2001).

The Code of Civil Procedure (Amendment) Ordinance, 2002 (Ord. XXXIV of 2002).

The General Clauses (Amendment) Ordinance, 2002 (Ord. XXXIII of 2002).

The Representation of People (Amendment) Ordinance, 2002 (Ord. XXVIII

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

*Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os January, 2016.

5Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

67.

68.

69.

70.

71.

72.

23.

74.

75.

76.

77.

78.

79.

80.

81.

82.

83.

84.

85.

of 2002).

The Representation of People (Amendment) Ordinance, 2002 (Ord. XXXVI of 2002).

The Representation of People (Third Amendment) Ordinance, 2002 (Ord. XLV of 2002).

The Zakat and Ushr (Amendment) Ordinance, 2002 (Ord. XXV of 2002).
The Zakat and Ushr (Amendment) Ordinance, 2002 (Ord. XXXVIII of 2002).

The National Commission for Human Development Ordinance, 2002 (Ord. No. XXIX of 2002).

The Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (Ord. No. XIII of 2002).

The Prevention and Control of Human Trafficking Ordinance, 2002 (LIX

of 2002).

The Probation of Offenders (Amendment) Ordinance, 2002 (LXVI of 2002).

The Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (Ord. LXXIV of 2002).

The Freedom of Information Ordinance, 2002 (Ord. XCVI of 2002).

The Press Council of Pakistan Ordinance, 2002 (Ord. XCVII of 2002).

The Press, Newspaper, News Agencies and Book Registration Ordinance, 2002 (Ord. XCVIII of 2002).

The Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance, 2002 (Ord. CI of 2002).

The Drugs (Amendment) Ordinance, 2002 (Ord. XXVIII of 2002).

The Local Government, Election Laws (Amendment) Ordinance, 2002.

The Political Parties Order, 2002 (C.E.O. 18 of 2002).

The Political Parties (Amendment) Order, 2002 (C.E.O. 20 of 2002).

The Police (Amendment) Order, 2002 (C.E.O. 36 of 2002).

The Contempt of Court Ordinance, 2003 (Ord. V of 2003).

86. The Political Parties (Amendment) Act, 2004 (Act III of 2004).
87. The Code of Civil Procedure (Amendment) Act, 2004 (Act VIII of 2004).
88. The Defamation (Amendment) Act, 2004 (Act IX of 2004).
89. The Anti-terrorism (Amendment) Act, 2004 (Act X of 2004).
90. The Illegal Disposition Act, 2005 (Act XI of 2005).
91. The Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) (Amendment) Act, 2006.
92. The Pakistan Electronic Media Regulatory Authority Act, 2007 (II of 2007).
93. The Prevention of Electronic Crimes Ordinance, 2008.
94. The Control of Narcotics Substances Act, 1997 (XXV of 1997).

SCHEDULE -II

[(See Paragraphs 2(1)(g),6(2)]

S.NO. | Designation of judges and Judicial | Designation of judges and Judicial
Officers in the '[Khyber | Officers in the PATA
Pakhtunkhwa] except PATA

1 2 3

1 District and Sessions Judge Zilla Qazi

2 Additional District and Sessions | Izafi Zilla Qazi
Judge

3 Senior Civil Judge/Judicial Magistrate | Aa'la Illaqa Qazi
ws 30 of Criminal Procedure
Code, 1898 (Act V of 1898)

4 Civil Judge/Judicial Magistrate Illaqa Qazi

'Substituted vide Notification No. SO(JudI)/HD/9-1/2015/Vol-I, dated: os" January, 2016.

SCHEDULE -II

[(See Paragraph 7(4))]

S.No. Description of Offences

1 All offences under Pakistan Penal Code punishable with imprisonment up to three years with or without fine

2 All offences punishable under Local and Special Laws punishable up to three years with or without fine.

3 Cases for prevention of breach of peace, public nuisances under the Pakistan Penal Code and the Code of Criminal Procedure, 1898.

4 Cases pertaining to deviations of licenses and permits under relevant laws applicable to the said area..

OWAIS AHMED GHANI

Governor of the '[Khyber Pakhtunkhwa

'Substituted vide Notification No. SO(Judl)/HD/9-1/2015/Vol-I, dated: 05" January, 2016.