

The Sri Pratap Jammu and Kashmir Laws Consolidation Act, 1977 (1920 A.D.)

JAMMU & KASHMIR

India

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Act 4 of 1977

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The Sri Pratap Jammu and Kashmir Laws Consolidation Act, 1977 (1920 A.D.) Act No. 4 of 1977 [Sanctioned by His Highness the Maharaja Sahib Bahadur per Chief Minister's letter No. 8372, dated the 11th September, 1920 read with State Council Resolution No. 1, dated 8th April, 1925 (Notification No. 14-L/81). The original Act with four Schedules was published in Government Gazette dated 16th, 23rd and 30th Chet, 1977]. Where it is expedient to amend, consolidate and codify, as far as possible, and declare the laws generally administered and to be administered by the Civil and Criminal Courts of the Jammu and Kashmir State; it is hereby enacted as follows:-Preliminary

1. Title, extent and commencement.

(1) This Act may be called the Sri Pratap Jammu and Kashmir Laws (Consolidation) Act, 1977. (2) If extends to the whole of the State Jarnmu and Kashmir. (3) [And it shall come into force on and from such date as may, by notification in the Jammu and Kashmir Government Gazette, be specified in this behalf.] [It was enforced for a period of two years in the first instance from 1st Baisakh, 1978 (per Chief Minister Endorsement No. 8372 dated 11th September, 1920 and tetter No. 11529/9gdl. dated the 1st November, 1920). From time to time its enforcement was extended for further periods. From 1st Baisakh, 1981 it was ordered that it should remain and continue in force without limit of time by State Council Resolution No. 1, dated 8th April, 1925 (Notification No. 14-L/81).][2. Repealed.] [Sections 2 and 3 repealed by Act XI of 1996.][3. Repealed.] [Sections 2 and 3 repealed by Act XI of 1996.]

4. Laws in force.

(1)The laws administered and to be administered by the Civil and Criminal Courts of the State of Jammu and Kashmir are and shall, be as follows:-(a)[The Acts for the time being in force in Jammu and Kashmir State;] [In section 4 clauses (a), (b) and (c) substituted and clause (f) made sub-section (2) of this section and rest of this section numbered as sub-section (1) by Act XI of 1996.](b)[Orders, Hidayats, Ailans, Notification, Ishtihars, Circulars, Robkars, Irshads, Yadashts, State Council Resolution, Rules, Proclamations and Ordinances issued, passed, published or made by or under the authority of the Highness or by any other competent authority empowered to make and promulgate laws for the time being;] [Section 4(1) (b) re-substituted by Act VI of 2005.](c)the rules having the force of law made and promulgated under the provisions of any Act or law for the time being in force in the State of Jammu and Kashmir;(d)in question regarding succession, inheritance, special property of females, betrothals, marriage, divorce dower, adoption, guardianship, minority bastardy, family relations, wills, legacies, gifts, waqf, partitions, castes or any religious usage or institution, the rules of decision is and shall be-the Mohmmeddan law in cases where the parties are Mohammedans and the Hindu Law in cases where the parties are Hindus, except in so far as such law has been, by this or any other enactment, altered or abolished or has been modified by any custom applicable to the parties concerned which is not contrary to justice, equity and good conscience and has not been, by this or any other enactment, altered or abolished, and has not been declared to be void by any competent authority ;(e)in questions relating to the Law of Torts, the State Courts shall follow, as far as practicable, the [Indian Law] [Substituted for 'British Indian Law' by A.L.O. 2008.].(2)In cases not otherwise specially provided for, the Courts shall act according to justice, equity and good conscience .

5. Customs and Mercantile usages.

- All local customs and mercantile usages shall be regarded as valid, unless they are contrary to justice, equity and good conscience, or have been, or shall be, declared to be void by any competent authority.

6. [[Section 6, 7, 8, 9, 9-A repealed by Act XI of 1996.]

Repealed.

7.

Repealed.

8. Repealed.

9. Repealed.

9A. Repealed.]

10. [[Section 10 repealed by Act X of 2010.]

Repealed.]

11. Extent.

- [All Acts now in force or hereafter to be enacted] [Substituted for the words 'The enactment embodied in Schedules II and III of this Regulation' by Act XI 1996.] shall, unless otherwise expressly provided , extend to the whole of Jammu and Kashmir State, [x x x x] [Certain words omitted by Act X of 2010.].

12. [[Section 12 repealed by Act XIV of 1996.]

Repealed.][The First Schedule Repealed. [The First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule repealed by Act XI of 1996 as amended by Act VI of 2005.]The Second Schedule Repealed.The Third Schedule Repealed.The Fourth Schedule Repealed.]