

**Sri Pratap Jammu And Kashmir Laws (Consolidation) Act,
1977**

4 of 1977

CONTENTS

1. Title, Extent And Commencement
2. Repealed
3. Repealed
4. Laws In Force
5. Customs And Mercantile Usages
6. Repealed
7. Section 7
8. Section 8
9. Section 9
- 9A. Section 9A
10. Repealed
11. Extent
12. Repealed

SCHEDULE 1 :- THE FIRST SCHEDULE

SCHEDULE 2 :- THE SECOND SCHEDULE

SCHEDULE 3 :- THE THIRD SCHEDULE

SCHEDULE 4 :- THE FOURTH SCHEDULE

**Sri Pratap Jammu And Kashmir Laws (Consolidation) Act,
1977**

4 of 1977

Whereas 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:-

1. Title, Extent And Commencement :-

(1) This Act may be called the Sri Pratap Jammu and Kashmir Laws (Consolidation) Act, 1977.

(2) It extends to the whole of the State of Jammu and Kashmir.

1(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.

1. 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, 1978 and letter No. 115291/9gdl. dated the 1st November, 1978). 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 1981 (Notification No. 14-L/81).

2. Repealed :-

1[Repealed]

1. Sections 2 and 3 repealed by Act XI of 1996.

3. Repealed :-

1. Sections 2 and 3 repealed by Act XI of 1996.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:-

1[(a) The Acts for the time being in force in Jammu and Kashmir State;]

2[(b) Orders, Hidayats, Ailans, Notifications, Ishtihars, Circulars, Robkars, Irshads, Yadashts, State Council Resolutions, Rules, Proclamations and Ordinances issued, passed, published or made by or under the authority of His Highness or by any other competent authority empowered to make and promulgate laws for the time being;]

(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 Mohammedan 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 3[Indian Law].

(2) In cases not otherwise specially provided for, the Courts shall act according to justice, equity and good conscience.

1. 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.

2. Section 4 (1) (b) resubstituted by Act VI of 2005.

3. Substituted for "British Indian Law" by A.L.O.2008.

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. Repealed :-

1. Sections 6, 7, 8, 9, 9-A repealed by Act XI of 1996.

7. Section 7 :-

8. Section 8 :-

9. Section 9 :-

9A. Section 9A :-

10. Repealed :-

1[Repealed]

1. Section 10 repealed by Act X of 2010.

11. Extent :-

1[All Acts now in force or hereafter to be enacted shall, unless otherwise expressly provided, extend to the whole of Jammu and Kashmir State, 2[x x x x].

1. Substituted for the words "The enactment embodied in Schedules II and HI of this Regulation" by Act XI of 1996.

2. Certain words omitted by Act X of 2010.

12. Repealed :-

1. Section 12 repealed by Act XIV of 1996.

SCHEDULE 1

THE FIRST SCHEDULE

1. The First Schedule, the SecondSchedule, the Third Schedule and the Fourth Schedule repealed by Act XI of 1996 as amended by Act VI of 2005.

SCHEDULE 2

THE SECOND SCHEDULE

SCHEDULE 3

THE THIRD SCHEDULE

SCHEDULE 4

THE FOURTH SCHEDULE