



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 7TH NOVEMBER, 2016

GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS DEPARTMENT

NOTIFICATION

Peshawar, dated the 7th November, 2016.

No. ALD-III/LD/LEGIS:1(12)76.— The following Regulation by the Governor of the Khyber Pakhtunkhwa is hereby published for general information:

THE SHARIAH NIZAM-E-ADL (AMENDMENT)
REGULATION, 2016.

(Khyber Pakhtunkhwa Regulation No. I of 2016)

A

REGULATION

*to amend the Shariah Nizam-e-Adl
Regulation, 2009.*

WHEREAS it is expedient to amend the Shariah Nizam-e-Adl Regulation, 2009 (Khyber Pakhtunkhwa Regulation No. I of 2009), for the purposes hereinafter appearing;

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 Regulation for Provincially Administered Tribal Areas or any part thereof;

NOW, THEREFORE, in pursuance of the powers aforesaid, the Governor of the Khyber Pakhtunkhwa, with the prior approval of the President, is pleased to make the following Regulation:

1. **Short title and commencement.**—(1) This Regulation may be called the Shariah Nizam-e-Adl (Amendment) Regulation, 2016.

(2) It shall come into force at once.

2. **Amendment of paragraph 2 of the Regulation No. 1 of 2009.**---In the Shariah Nizam-e-Adl Regulation, 2009 (Khyber Pakhtunkhwa Regulation No. 1 of 2009), hereinafter referred to as the said Regulation, in paragraph 2, in sub-paragraph (1), after clause (d), the following new clause shall be inserted, namely:

"(d-i) "Muavineen-e-Qazi" means the Muavineen-e-Qazi, appointed under paragraph 6A of this Regulation ;",

3. **Insertion of new paragraph 6A to Regulation No. 1 of 2009.**---In the said Regulation, after paragraph 6, the following new paragraph shall be inserted, namely:

"6A. Muavineen-e-Qazi.---(1) Government may, on the recommendation of the Commissioner, Malakand Division, by Notification in official Gazette, appoint a panel of persons, as Muavineen-e-Qazi, as may be required, for a period not more than three years:

Provided that the Commissioner, Malakand Division, shall, before recommending such panel to Government for appointment, consult the District Magistrate and Zila Qazi respectively:

Provided further that the tenure of the Muavineen-e-Qazi may be extended for a further period of three years subject to their performance.

- (2) The Muavineen-e-Qazi to be appointed under sub-paragraph (1) shall-
- be a bonafide resident of the Provincially Administered Tribal Area;
 - not less than twenty-five (25) years and not more than sixty-five (65) years of age;
 - have a certificate in Fiqh, Hadith or Tafseer-e-Quran from a registered institution recognized by Government; and
 - have atleast five (05) years experience in teaching, preaching and explaining the Islamic injunctions.

(3) Government may, on the recommendation of Commissioner, Malakand Division, by notification in the official Gazette, remove such Muavineen-e-Qazi from their offices:

Provided that the Commissioner, Malakand Division, shall, before recommending the name or names of Muavineen-e-Qazi, as the case may be, to Government for removal, consult the District Magistrate and Zila Qazi respectively, in this respect.

(4) The Muavineen-e-Qazi shall

- (a) assist the Courts in arriving at a correct conclusion regarding the proper applications of Islamic laws in the circumstances of the case; and
- (b) perform any other duty, as may be, assigned to them by Government.

(5) The Muavineen-e-Qazi shall be entitled to such honoraria, as Government may determine, but shall not claim or receive any financial benefit from the parties to a dispute either directly or indirectly."

Peshawar,
Dated the
1st November, 2016.

(IQBAL ZAFAR JHAGRA)
Governor of the Khyber Pakhtunkhwa

(MUHAMMAD ARIFEEN)
Secretary to Government of Khyber Pakhtunkhwa
Law, Parliamentary Affairs and Human Rights
Department