

QADIS LAW, 5721—1961\*

1. In this Law — Definitions.  
“qadi” means a judge<sup>1)</sup> of a Sharia Court, or of the Sharia Court of Appeal, within the meaning of the Sharia Courts (Validation of Appointments) Law, 5714—1953<sup>2)</sup>.
2. There shall be eligible to be appointed as a qadi any Muslim — Eligibility.  
(1) who has had suitable training in Sharia law;  
(2) whose way of life and character befit the status of a qadi in the State of Israel; and  
(3) who is at least thirty years of age and is married or has been married.
3. Qadis shall be appointed by the President of the State upon the proposal of an Appointments Committee to be submitted to the President by the Minister of Religious Affairs. Manner of appointment.
4. (a) The Appointments Committee (hereinafter referred to as “the Committee”) shall consist of nine members: two qadis elected by the body of qadis for three years; the Minister of Religious Affairs and one other Member of the Government elected by the Government; three Members of the Knesset, including at least two Muslims, elected by the Knesset by secret ballot and holding office so long as they are Members of the Knesset and, when the tenure of the Knesset has expired, until the new Knesset has elected other members in their stead; two advocates, including at least one Muslim, appointed by the Law Council for three years. Appointments Committee.  
(b) The composition of the Committee shall be published in *Reshumot*.  
(c) The Minister of Religious Affairs shall be the chairman of the Committee.  
(d) The Committee may act even if the number of its members has become less, so long as it has not become less than six.

\* Passed by the Knesset on the 7th Sivan, 5721 (22nd May, 1961) and published in *Sefer Ha-Chukkim* No. 339 of the 16th Sivan, 5721 (31st May, 1961), p. 118; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 404 of 5719, p. 445.

1) In Hebrew: *Dayan*, a special term for a judge of a religious Court (Tr.).

2) *Sefer Ha-Chukkim* No. 139 of 5714, p. 43; *LSI* vol. VIII, p. 42.

Procedure of  
Committee.

5. (a) When it appears to the Minister of Religious Affairs that a qadi should be appointed, he shall give notice to such effect in *Reshumot* and shall convene the Committee.

(b) The following may propose candidates: the Minister of Religious Affairs; any one of the qadis; three members of the Committee jointly.

(c) A proposal of the Committee for the appointment of a qadi must be supported by a majority of the members taking part in the voting.

(d) The Committee shall itself prescribe the other rules of procedure for its deliberations and work.

President of the  
Court of  
Appeal.

6. (a) The President of the Sharia Court of Appeal shall be a qadi appointed in that behalf by the Minister of Religious Affairs either for a specific period or permanently. An appointment for a specific period shall be made in consultation with the body of qadis; a permanent appointment shall require the approval of the Committee.

(b) Where a qadi appointed to be President of the Sharia Court of Appeal for a specific period has commenced a hearing, he shall be competent to complete it even after the expiration of the period of his appointment.

Declaration of  
allegiance.

7. A person appointed to be a qadi shall, before taking his seat, make before the President of the State the following declaration:

"I pledge myself to bear allegiance to the State of Israel, to dispense justice fairly, not to pervert the law and to show no favour."

Validity of  
appointment.

8. Where the appointment of a qadi has been published in *Reshumot*, its validity shall not be disputed.

Independence.

9. A qadi shall, in judicial matters, be subject to no authority other than that of the law.

Rules as to  
administration.

10. (a) The Minister of Religious Affairs shall, in consultation with the President of the Sharia Court of Appeal, the body of qadis and the Minister of Justice, prescribe rules for the administration of the Sharia Courts and shall appoint a Director of Sharia Courts, who shall be responsible to him for their implementation.

(b) The Minister of Religious Affairs shall, in consultation with the Sharia Court of Appeals and the body of qadis, prescribe the places of sitting and areas of jurisdiction of the Sharia Courts.

Period of tenure.

11. A qadi shall hold office from the day on which he makes his declaration of allegiance, and his tenure shall not terminate except upon his death, resignation or retirement on pension or his removal from office under this Law.

12. A qadi may resign his office by submitting a letter of resignation to the Minister of Religious Affairs, and his tenure shall terminate at the expiration of three months from the submission of the letter of resignation, unless the Minister of Religious Affairs has agreed to an earlier date.

Resignation.

13. (a) A qadi shall retire on pension —

Pension.

(1) on attaining the age of seventy years;

(2) if the Appointments Committee, on the strength of a medical opinion, decides that owing to his state of health he is unable to continue in office.

(b) A qadi may retire on pension —

(1) if he has attained the age of sixty years — after holding office for twenty years;

(2) if he has attained the age of sixty-five years — after holding office for fifteen years;

(3) if he so requests and his request is approved by the Appointments Committee.

(c) In calculating the period of tenure of a qadi for the purposes of subsection (b), there shall be added to his period of tenure as qadi any period during which he served in the State Service or in the service of some other institution approved for this purpose by the Finance Committee of the Knesset, or any part of such a period, as the Finance Committee of the Knesset may prescribe by rules.

14. The salary of a qadi and the other payments to be made to him during or after his period of tenure, including those to be made to his dependants after his death, shall be fixed by resolution of the Knesset, which latter may empower the Finance Committee in that behalf. Resolutions under this section shall be published in *Reshumot*.

Salary and other payments.

15. A qadi shall not be a member of the Knesset or the council of a local authority; he may, however, with his consent and the consent of the Minister of Religious Affairs, temporarily carry out some other function on behalf of the State, or carry out any other public function, if, in his opinion and in the opinion of the Minister of Religious Affairs, this will not impair his status as a qadi.

Qadi not to be member of the Knesset etc.

16. The Minister of Religious Affairs may, in consultation with the President of the Sharia Court of Appeal, transfer a qadi permanently to a Sharia Court in another locality if he deems it necessary so to do for administrative reasons.

Transfer of qadi to other locality.

17. (a) Every qadi shall be subject to the jurisdiction of a Court of Discipline.

Court of Discipline.

(b) The Court of Discipline shall consist of three members, viz. the President of the Sharia Court of Appeal or the qadi with the greatest length of service, as the Minister of Religious Affairs may in respect of each case prescribe, an advocate appointed for each case by the Law Council and one member appointed for each case by the Minister of Religious Affairs.

(c) The President of the Sharia Court of Appeal or the qadi with the greatest length of service shall be the presiding qadi of the Court of Discipline.

Complaint  
against qadi.

**18.** (a) The Minister of Religious Affairs may submit a complaint against a qadi to the Court of Discipline on one of the following grounds:

(1) that the qadi has acted improperly in carrying out his functions;

(2) that the qadi has behaved in a manner unbecoming his status as a qadi in the State of Israel;

(3) that the qadi has been convicted of an offence which in the circumstances of the case involves ignominy;

(4) that the Appointments Committee has found that the qadi has obtained his appointment unlawfully.

(b) The Minister of Religious Affairs may be represented before the Court of Discipline by his representative.

Findings of  
Court of  
Discipline.

**19.** (a) The Court of Discipline shall bring its findings, whether favourable or unfavourable, before the Minister of Religious Affairs.

(b) If the Court of Discipline finds that the qadi is unworthy to continue in his functions, the Minister of Religious Affairs shall bring the findings of the Court of Discipline before the President of the State, who shall remove the qadi from office.

Benefits to qadi  
removed from  
office.

**20.** Where the Court of Discipline finds that a qadi is unworthy to continue in his functions, the qadi shall not be entitled to a benefit; however, where a qadi is found guilty of misconduct under paragraph (1) or (2) of section 18(a) and the Court of Discipline, for special reasons which it shall specify, reaches the conclusion that although the qadi is unworthy to continue in his functions it is proper that he should be paid a benefit, it may prescribe the amount of the benefit payable to the qadi: Provided that the amount of the benefit shall not exceed the amount which would have been payable to the qadi under a resolution of the Knesset or the Finance Committee under section 14 if he had voluntarily ceased to hold office on the day on which he is removed from office.

Suspension of  
qadi from office.

**21.** (a) Where a complaint under section 18 or a criminal action is brought against a qadi, the Minister of Religious Affairs may, in

consultation with the President of the Sharia Court of Appeals, suspend the qadi from office for such period as he may think fit.

(b) The Court of Discipline may, on the application of the qadi, rescind his suspension from office.

22. Notice of the appointment or cessation of tenure of a qadi shall be published in *Reshumot*. Publication in *Reshumot*.
23. A criminal action against a qadi shall not be brought save by the Attorney General and before a District Court consisting of three judges. Criminal action.
24. Where a person held office as a qadi immediately before the coming into force of this Law — Transitional provisions.
- (1) he shall be deemed to have been appointed under this Law;
  - (2) he shall make a declaration of allegiance under section 7 within two months from the day of the coming into force of this Law;
  - (3) section 13(a) (1) shall apply to him as if the age referred to therein were seventy-five years.
25. The Order of the High Commissioner for Palestine of December 20, 1921<sup>1)</sup>, is hereby repealed. Repeal.
26. The State President, Government Members, State Judges and State Comptroller (Fixing of Salaries) Law, 5711—1950<sup>2)</sup>, shall not apply to the salaries of qadis. Inapplicability of Law.
27. In section 3 of the Sharia Courts (Validation of Appointments) Law, 5714—1953, after the words "named in the Schedule", there shall be added the words "or duly appointed in the future". Amendment of Law.
28. The Minister of Religious Affairs is charged with the implementation of this Law and may make regulations for its implementation, including regulations prescribing fees payable in Sharia Courts; he may also, in consultation with the President of the Sharia Court of Appeal and the Minister of Justice, prescribe by regulations — Implementation and regulations.
- (1) the procedure of the Court of Discipline;
  - (2) rules as to the representation of parties before Sharia Courts by persons other than advocates.

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<sup>1)</sup> P. G. of 1922, No. 58, p. 1 (English Edition).

<sup>2)</sup> *Sefer Ha-Chukkim* No. 62 of 5711, p. 10; *LSI* vol. V, p. 10.