

**CAP. 340.**

**CYPRUS**

**TURKISH RELIGIOUS HEAD (MUFTI)**

**CHAPTER 340 OF THE LAWS**

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1959

## CHAPTER 340.

## TURKISH RELIGIOUS HEAD (MUFTI).

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A LAW TO MAKE PROVISION FOR THE ELECTION OF A  
RELIGIOUS HEAD OF THE TURKISH COMMUNITY IN  
CYPRUS.

5 of 53.  
26 of 53.

[24th February, 1953.]

Short title.

1. This Law may be cited as the Turkish Religious Head (Mufti) Law.

Interpreta-  
tion.

2. In this Law, unless the context otherwise requires—

“ Presiding Officer ” means the person appointed by the Governor as provided in sub-paragraph (1) of paragraph 1 of the Schedule and includes any person nominated by him as provided in sub-paragraph (2) of paragraph 1 of the said Schedule;

Schedule.

“ quarter ” means a quarter of a town or village.

Election in  
accordance  
with  
Schedule.

3. The election of a Religious Head of the Turkish Community (in this Law referred to as “ the Mufti ”), shall take place in accordance with the provisions set out in the Schedule.

Qualifica-  
tions for  
election as  
Mufti.

4. (1) No person shall be eligible for election or shall be elected as a Mufti unless he is a moslem of Turkish race who has attained the age of forty years and possesses an Ijazet

diploma or a degree in theology from the Istanbul, Ankara or El Azhar universities.

(2) For the purposes of this section "Ijazet diploma" means a certificate of competence granted by a former "Medreseh", that is to say, an authoritative high school of religion functioning at the time, in the presence of religious dignitaries, to those who had completed their studies therein on the following subjects:—

Arabic language and literature,  
Sheri law and jurisprudence of Islam,  
Traditions of Mohammed and commentaries thereon,  
Interpretation and commentaries on Koran,  
Theology, Logic, Philosophy, and  
The Moslem Sacred Law of Inheritance.

5. Upon the election of a Mufti, the Presiding Officer shall notify the name of the person elected to the Governor for his approval, and, upon such approval being signified, the person elected shall be the Mufti invested with all duties and powers as in this Law provided:

Notification  
of election  
to Governor  
for his  
approval.

Provided that no approval shall be given unless the Governor is satisfied that the person elected possesses the qualifications set out in subsection (1) of section 4.

6. The Mufti shall have and exercise the following duties and powers with regard to matters concerning persons of the Turkish Community in Cyprus, that is to say:

Duties and  
powers of  
Mufti.

(a) to appoint, due regard being had to the funds available, Muderris, the Mussevit, Imams, Muezzins, Preachers and such other personnel as may be required to assist in religious functions and prescribe their training and duties, exercising such supervision over them as may be necessary to secure proper compliance, with power to suspend or dismiss them if they fail to carry out their respective duties in a satisfactory manner;

(b) to pay periodical visits to towns and villages, to deliver sermons in the Mosques and, generally, to advise the members of the Turkish Community on religious matters;

(c) to issue "Fetvas" defining religious principles and prescribing the religious holidays, the time for prayers, and the fasting hours;

- (d) to direct and supervise the distribution to the poor of alms and "Zekats" contributed by moslems;
- (e) to authorize the erection of new Mosques and major repairs to existing Mosques and to supervise the running of Mosques, Tekkes, Shrines and Moslem Cemeteries, due regard being had to the funds available.

Vacancy in  
the office  
of Mufti.

7. If for any reason the Mufti ceases to hold office the senior Mudderis shall exercise all the duties and powers of a Mufti until a Mufti is elected.

Retiring age.

8. Subject to the provisions of section 9, a Mufti shall retire on attaining his seventy-fifth year.

Compulsory  
retirement  
and removal  
of Mufti.

9. (1) If at any time a representation is made to the Governor that a Mufti—

- (a) by reason of physical or other disability is unable to attend or perform the duties of his office; or
- (b) has been guilty of conduct unbecoming to the office of Mufti as by this Law established or of serious, persistent or continuous neglect of duty,

the Governor may appoint a committee consisting of four moslems of Turkish race under the chairmanship of a Turkish judicial or legal officer of moslem faith to inquire into the matter.

(2) An inquiry under this section shall be conducted in such manner as the Governor may direct and, at every such inquiry, the Mufti shall have a right to be present or be represented.

(3) If, after inquiring into the matter, the committee is satisfied as to the truth of any representation made under this section, it may require the Mufti to retire or may advise him with regard to his future conduct in the matter forming the subject of the inquiry.

(4) Any decision of the committee shall be subject to appeal to the Supreme Court, whose decision shall be final and conclusive. The Rules of Court relating to civil appeals in force for the time being shall be applicable to any such appeal.

(5) Any decision which involves the removal of the Mufti shall be published in the Gazette and, thereupon, the Mufti

shall cease to hold office and the office of the Mufti shall become vacant.

10. The emoluments of the Mufti, the Muderris, the Mussevit, the Imams, the Muezzins, the Preachers and of any other personnel appointed by the Mufti shall be such as the Governor may approve and shall be chargeable upon the revenue of the Evcaf Department.

Emoluments.

11. Upon the coming into operation of this Law, the words "Fetva Emini" in any Law or public instrument shall be substituted by the word "Mufti".

The words "Fetva Emini" to be substituted by the word "Mufti".

#### SCHEDULE.

(Sections 2 and 3.)

1. (1) For the purpose of the election of a Mufti, the Governor shall appoint a moslem of Turkish race as Presiding Officer to supervise the election.

(2) The Presiding Officer may nominate any other moslem of Turkish race (hereinafter called "his nominee") to act as his representative in respect of a particular place.

2. (1) Within thirty days from the date of the coming into operation of this Law or from the date on which the office of Mufti becomes vacant, as the case may be, the Presiding Officer shall request the Turkish Mukhtar of every quarter or village to prepare and post, not later than thirty days after such request, at a conspicuous place in the quarter or village, a list of all male moslems of Turkish race within the quarter or village who, on the date of the request, have completed their eighteenth year and were ordinarily residents in the quarter or village during the twelve months immediately preceding such date.

(2) Any such Mukhtar shall prepare and post such list as in subparagraph (1) of this paragraph provided:

Provided that, if for any reason, no such list has been prepared and posted by any Mukhtar within the aforementioned period, the Presiding Officer shall prepare or cause to be prepared such list by such person as he may nominate for the purpose.

(3) Every list posted as in this paragraph provided shall bear on it the date of posting.

3. (1) Any person desiring to make any objection to the list shall apply in writing within ten days to the Presiding Officer stating the grounds of his objection.

(2) The Presiding Officer, after considering the objections, if any, shall cause such alterations or additions to be made to the lists as he shall deem necessary and, thereafter, such lists shall be considered as the final and conclusive lists of the persons entitled to vote for the election of special representatives as hereinafter provided.

If no objections are made, the lists as posted shall be final and conclusive.

4. Not later than ten days after the date on which the lists become final and conclusive, the Presiding Officer shall publish in the Gazette and in not less than two Turkish papers published in Cyprus a notice in the form set out in the First Annex to this Schedule for the nomination of candidates.

5. (1) Each candidate shall be nominated by a separate nomination paper in such form as the Presiding Officer may direct.

(2) The name of each candidate shall be subscribed in the nomination paper in such manner as in the opinion of the Presiding Officer is sufficient to identify such candidate.

(3) Each nomination paper shall be subscribed by ten persons whose names appear in the list out of whom one shall subscribe as proposer and another as seconder.

6. The nomination papers shall be delivered to the Presiding Officer or his nominee by any of the persons who subscribed the nomination paper.

2(a) of 26/53.

7. If at the expiration of the time appointed for nomination only one candidate is nominated and the Presiding Officer is satisfied that the nomination paper is in order and that the person so nominated possesses the required qualifications, the Presiding Officer shall forthwith publish the nomination in the Gazette and in not less than two Turkish papers published in Cyprus and, if no objection is submitted under paragraph 9 of this Schedule, the Presiding Officer shall notify the name of the person nominated to the Governor, and the person so nominated shall thereupon be deemed to be elected.

8. (1) If on the expiration of the time appointed for nomination more than one candidate are nominated, the Presiding Officer, upon being satisfied that the nomination papers are in order and that the persons nominated possess the required qualifications, shall forthwith publish the nomination in the Gazette and in not less than two Turkish papers published in Cyprus and shall also publish in the Gazette and in the same papers a notice in the form set out in the Second Annex to this Schedule, for election of special representatives.

2(b) of 26/53.

(2) No person shall be eligible for election as a special representative of a quarter or village unless his name appears in the final list of that quarter or village.

2(c) of 26/53.

9. (1) Any person, whose name appears in the final lists and who desires to raise an objection that a person nominated as a candidate does not possess the required qualifications, shall submit his objection in writing to the Presiding Officer within eight days of the publication of the nomination in the Gazette, as provided in paragraph 7 or 8 of this Schedule, stating the grounds of his objection.

(2) The Presiding Officer shall, on the expiration of the period of eight days mentioned in sub-paragraph (1) of this paragraph, submit any objection received by him to the Governor who shall thereupon with all due expediency refer the objection to a committee consisting of the three senior Turkish judges of moslem faith for determination and thereupon any election proceedings shall be stayed until such determination.

(3) The senior Turkish judge of moslem faith shall preside over such committee.

(4) Every such committee shall have the same powers and conduct the proceedings for the determination of the question referred to it as nearly as may be as if sitting as a Court for the hearing of a civil action.

(5) The Presiding Officer and any interested person may appear before such committee either in person or by an advocate.

(6) Any decision of such committee shall be final and conclusive and shall be communicated to the Governor by the Chairman of the committee.

10. (1) For the purposes of the election of special representatives, a quarter or village with a population of moslems of Turkish race—

(a) of not less than 300 and not more than 500 persons, shall elect one representative;

(b) of more than 500 but not more than 1,000 persons, shall elect two representatives;

(c) of more than 1,000 but not more than 2,000 persons, shall elect three representatives;

(d) of more than 2,000 persons, shall elect four representatives;

(e) of less than 300 persons, shall be grouped together with some other neighbouring quarter or village.

(2) The election shall be by secret poll to be taken in such manner as the Presiding Officer may direct.

(3) The polling hours shall be from 7 a.m. to 3 p.m. or may be continued to such later hour as the Presiding Officer, in his absolute discretion, may deem fit to direct.

(4) Any person whose name appears in the final list shall have the right to cast one vote for the quarter or village in respect of which the list containing his name had been made final. 2(d) of 26/53.

(5) At the conclusion of the voting the Presiding Officer or his nominee shall count the votes in the presence of the mukhtar of the quarter or village and the persons having the majority of votes shall be deemed to have been elected as the special representatives of the quarter or village concerned.

11. The special representatives so elected, together with the Muderris and the Mussevit, if any, and with the Chairman of the High Council of Evcaf, any Turkish member of the Executive Council of moslem faith and the Turkish councillors of every municipal corporation of moslem faith shall form the electoral assembly for the election of a Mufti.

12. (1) The electoral assembly shall meet under the chairmanship of the Presiding Officer at such place and time as the Presiding Officer may appoint, being not later than twenty days from the elections of the special representatives and shall there and then proceed to elect a Mufti by open vote, unless a secret ballot is demanded by two or more members of the assembly.

(2) The person to whom the greatest number of votes has been given shall be declared as elected.

(3) If an equal number of votes has been given to more than one person the Presiding Officer shall draw a lot and the person so drawn shall be declared as elected.

13. The Presiding Officer shall submit to Government a certified statement of the expenses incurred in conducting these elections and, subject to the approval of the Governor, these shall be borne as a charge on Evcaf funds.

## FIRST ANNEX.

(Paragraph 4.)

## THE TURKISH RELIGIOUS HEAD (MUFTI) LAW, CAP. 340.

*Notice of nomination of candidates.*

## TAKE NOTICE THAT

(a) Any person who wishes to be considered as a candidate for election as a Mufti must be nominated in writing on a nomination form supplied at

(b) Each candidate must be nominated by a separate nomination paper subscribed by ten persons, out of whom one shall subscribe as proposer and another as seconder, whose names appear in the final and conclusive lists of voters for the election of special representatives. Nomination papers must be handed to \_\_\_\_\_ at \_\_\_\_\_ by one of the signatories not later than the \_\_\_\_\_ a.m. on the

Date

Presiding Officer.

NOTE.—No person shall be nominated or shall be eligible for election as a Mufti unless he is a person who attained the age of forty years and possesses an Ijazet diploma or a degree in theology from the Istanbul, Ankara or El Azhar universities.

## SECOND ANNEX.

(Paragraph 8).

## THE TURKISH RELIGIOUS HEAD (MUFTI) LAW, CAP. 340.

*Notice of election of special representatives.*

## TAKE NOTICE THAT

an election of special representatives to take part in the electoral assembly for the election of a Mufti shall be held at \_\_\_\_\_ on \_\_\_\_\_ in accordance with the provisions of the Turkish Religious Head (Mufti) Law, Cap. 340.

Date

Presiding Officer.

This Law came into operation on the 4th March, 1953 [53, Vol. II, 156].