THE
AZAD JAMMU AND KASHMIR
LAWS CODE

Volume III

From 1971-1973
(Both Inclusive)
Preface


I hope the efforts of the Law Department of AJK will prove a codified set of laws of AJ&K to the students, researchers, and Government departments, state institutions, and especially members of the civil society for having familiarity with laws governing their legal rights and obligations to the state and community. May Allah bestow his blessing upon all of us and enable to make the state peaceful and more prosperous.

Farhat Ali Mir
Secretary Law
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(ACT, IV OF 1971)


(This Act passed by the Legislative Assembly of Azad Jammu and Kashmir State, received the assent of the president on 15th June, 1971, and is published for general information in the Government Gazette).

Preamble:

WHEREAS it is expedient to provide for the salary, allowances and other privileges of the Speaker of the legislative Assembly of Azad Jammu and Kashmir;

It is hereby enacted as follows: -

1. **Short title and commencement:**- (i) This Act may be called the Azad Jammu and Kashmir Legislative Assembly Speaker's (Salary, Allowances and Privileges) Act, 1971.

   (ii) It shall be deemed to have come into force on and from the 7th day of January, 1971.

2. **Definitions:**- In this Act:

   (i) 'Government' means the Azad Government of the State of Jammu and Kashmir;

   (ii) 'Prescribed' means prescribed by rules made under this Act;

   (iii) 'Speaker' means the Speaker of the Legislative Assembly of Azad Jammu and Kashmir.

3. **Salary, Allowances and privileges of the Speaker:**- (1) The Speaker shall be paid a salary at the rate of two thousand rupees per mensem.
(2) The Speaker shall be entitled to the use, without payment of rent, of a house provided by Government throughout his term of office and for a period of fifteen days immediately thereafter. Such a house, alongwith the grounds appurtenant thereto, shall be maintained at the public expense and be furnished at a cost not exceeding eight thousand rupees. If no such house is provided by the Government the Speaker shall be paid a house rent allowance of five hundred rupees per mensem in lieu thereof.

(3) The Speaker shall be entitled to such daily traveling allowances for any Journey performed by him on public business such medical treatment at public expense and such other allowances and privileges as may be prescribed.

(4) Government may make rules for carrying out the purposes of this Act.
THE AZAD JAMMU & KASHMIR STATE COUNCIL (ELECTIONS) (AMENDMENT) ACT, 1971.

(Act V of 1971)


(This Act passed by the Legislative Assembly of Azad Jammu and Kashmir State, received the assent of the President on 14th June, 1971, and is published for general information in the Government Gazette).

Whereas it is expedient to amend the Azad Jammu and Kashmir State Council (Elections) Ordinance, 1970 (Ordinance X of 1970) for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title, extent and commencement:** (1) This Act may be called the Azad Jammu and Kashmir State Council (Elections) (Amendment) Act, 1971.

   (2) It extends to the whole of Azad Jammu and Kashmir Territory, and shall also apply to all State Subjects mentioned in clause (2) or clause (3) of Section 3 of the Azad Jammu and Kashmir State Council Ordinance, 1970.

   (3) It shall come into force at once and shall be deemed to have taken effect on the 5th day of September, 1970.

2. **Substitution of the words 'Legislative Assembly' in the (Ordinance X of 1970):** In the said Ordinance the words 'State Council' wherever occurring shall be substituted by the words 'Legislative Assembly' and shall be deemed always to have been so substituted.

3. **Amendment of Section 86 (Ordinance X of 1970):** In Section 86 of the said Ordinance for the words 'fine which may extend to five hundred rupees' the words 'imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both' shall be substituted.

Act VI of 1971.

An Act to provide punishment for the violation of the sanctity of Ramzan.

(This Act passed by the Legislative Assembly of Azad Jammu and Kashmir State, received the assent of the President on 14th June, 1971, and is published for general information in the Government Gazette).

WHEREAS it is expedient to make punishable the violations of the Sanctity of Ramzan:

It is hereby enacted as follows:-

1. **Short title, extent and commencement:**
   (1) This Act may be called the Azad Jammu and Kashmir Sanctity of Ramzan Act, 1971.
   (2) It shall extend to the whole of Azad Jammu and Kashmir Territory.
   (3) It shall come into force at once.

2. **Definitions:** Unless there is anything repugnant in the subject or context:
   (i) 'Sanctity of Ramzan' includes all acts or their forbearance enjoined upon a Muslim for keeping fast according to shariat during the month of Ramzan;
   (ii) 'Public place' means a place which is accessible to the general public and includes a building, hotel, shop, booth, chapter, teni and vehicle or any part thereof.

3. **Violation of the sanctity of Ramzan:** No person shall violate the sanctity of Ramzan at a public place.

4. **Offences and punishments:** Whoever contravenes the provisions of Section 3 of this Act, shall be punished with imprisonment of either description for a term which may extend to two months or with fine which may extend to one hundred
rupees or with both.

5. Not-withstanding anything contained in the Criminal, procedure Code, 1898 (Act V of 1898), the offence under Section 4 of this Act shall be cognizable and bailable.


WHEREAS it is expedient to fix cess on timber and all Hired vehicles and to levy Surcharge on Motor Tax payable by passenger Busses and Goods Carriers for the purposes of meeting expenditure on expansion, improvement and administration of Educational Institutions;

It is hereby enacted as follows:-

1. **Short title and extent:** - (1) This Act may be called the Azad Jammu and Kashmir Finance Act, 1971.

(2) It extends to whole of Azad Jammu and Kashmir Territory.

2. **Education cess:**-

   (a) There shall be levied a cess known as Education Cess, chargeable on the following items at the rates specified below:

   (i) Paisas 25 per Cft on Timber extracted in Azad Jammu and Kashmir for commercial purposes;

   (ii) Paisas 15 on every rupees or part, thereof payable by passenger Busses as Road Toll;

   (iii) One rupee per trip on Vehicles used exclusively for carrying load.

   (b) Surcharge.

   (i) Rs. 25/- per annum on Motor Vehicles used for carrying load;

   (ii) Rs. 50/- per annum on Motor Vehicles plying for hire and carrying more than 8 persons.

3. **Amendment of Section 3 of West Pakistan Motor Vehicles Taxation Act, 1958 (as adapted in Azad Kashmir):**- In
schedule of Section 3 items (b), (c) and (d) of items 5 are substituted as follows :-

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<th>(b)</th>
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<tr>
<td>5</td>
<td>Seating not more than 3 persons</td>
<td>Seating not more than 4 persons</td>
<td>Seating more than 4 persons for every additional person thus can be seated.</td>
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<tr>
<td></td>
<td><strong>Per annum</strong></td>
<td><strong>Rs. 120/-</strong></td>
<td><strong>Rs. 160/-</strong></td>
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<td><strong>Rs. 40/-</strong></td>
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THE AZAD JAMMU AND KASHMIR GOVERNMENT
(AMENDMENT) ACT, 1971

(Act IX of 1971)


WHEREAS it is expedient to amend the Azad Jammu and Kashmir Government Act, 1970, for the purposes hereinafter appearing;

Now, therefore, it is hereby enacted as follows:-

1. **Short title and commencement:**-(1) This Act may be called the Azad Jammu and Kashmir Government (Amendment) Act, 1971.

(2) It shall come into force at once.

2. **Amendment of section 2 (a) of Government Act, 1970:**-(1) In Section 2 (a) of the Azad Jammu and Kashmir Government Act, 1970, hereinafter called the Government Act, 1970, the semi-colon after the word "Government" shall be omitted and the words "and such other territories as may hereafter come under its administration" shall be added.

(2) In Section 2 (c) of the Government Act, 1970, the words "prescribed by rules made under this Act" shall be omitted and the words "as prescribed by law and rules made thereunder" shall be substituted.

(3) In Government Act, 1970, after sub-section (5) of Section 3 the following new sub-section shall be added, namely :-

"(6) Before he enters upon his office the President shall make before the Chief Justice of the High Court an oath in such form set out in First Schedule as is applicable to his office:

Provided that this provision will not apply to a person acting as President :

Provided further that the oath made under the provisions of the Azad Jammu and Kashmir Oath of Offices Ordinance, 1970 shall be deemed to have been made under this Act."
(7) A President may resign his office by writing under his hand addressed to the Speaker of the Assembly, or in the absence of the Speaker, to the Chief Justice of the High Court.

3. (1) In Section 3 of the Government Act, 1970;

(a) In sub-section (1) in between the words "franchise" and "in" the words "by State Subjects living in Azad Kashmir and Pakistan" shall be inserted;

(b) In clause (b) of sub-section (4) the word "and" occurring after the semi-colon shall be omitted;

(c) in clause (e) of sub-section (4) the full stop after the word "Assembly" shall be substituted by a semicolon and the word "and" shall be added after the semi-colon; and

(2) after clause (c) of sub-section (4) the following new clause shall be added namely:

"(d) he is qualified to be elected as a Member of the Assembly."

4. Substitution of section 5 of the Government Act, 1970:- For Section 5 of the Government Act, 1970 the following shall be substituted, namely :

"5 (1) At any time when:

(a) the office of President is vacant; or

(b) the president is unable to perform the functions of his office due to absence, illness or any other cause the Speaker of the Legislative Assembly or in his absence the Chief Justice of the High Court of Azad Jammu and Kashmir shall act as President and except as provided in sub-section (2) of this Section shall perform the functions of the President.

(2) A person acting as President ;

(a) shall not dissolve the Legislative Assembly ; and

(b) unless the office of the President is vacant shall not remove or appoint a Minister from office."
5. **Amendment of Section 6 of the Government Act, 1970:** In Section 6 of Government Act, 1970, between the word and comma "cause" and "the" the words "Speaker of the Legislative Assembly or in his "absence" shall be inserted.

6. **Insertion of Section 6-A of the Government Act, 1970:** In the Government Act, 1970, after Section 6 the following new Section shall be inserted, namely:-

"6-A. President's power of pardon and reprieve.

The President has powers to grant pardons, reprieves and respites and to remit, suspend or commute any sentence passed by any court, tribunal or any other authority."

7. **Amendment of Section 9 of the Government Act, 1970:** After sub-section (2) of Section 9 of the Government Act, 1970, the following new sub-section shall be added, namely:-

"(3) The Ministers shall be appointed by the president from amongst persons qualified to be elected as members of the Legislative Assembly and shall hold office during his pleasure.

8. In sub-section (3) of Section 12 of the Government Act, 1970, the "full stop" after the word "prescribed" shall be omitted and the words "by the President" shall be added.

9. **Insertion of Section 14-A in the Government Act, 1970:** In the Government Act, 1970, after Section 14 the following new Section shall be inserted, namely:-

"14-A Oath of members of the Assembly.

(1) A person elected as a Member of the Assembly shall not take his seat in the Assembly until he makes before such person as is prescribed by rules of the Assembly an oath in such form set out in the First Schedule as is applicable to a Member of the Assembly:

Provided that an oath made under the provisions of the Azad Jammu and Kashmir Oath of Offices Ordinance, 1970 shall be deemed to have been made under this Act.

(2) The oath may be made at any time whether or not the Assembly is in session.
(3) If any person sits or votes in the Assembly knowing that he is not qualified to be, or is disqualified from being, a Member of the Assembly he shall be liable in respect of every day on which he so sits or votes to a penalty of two hundred rupees a day which may be recovered from him as a debt due to the Azad Jammu and Kashmir Government recoverable as arrears of land revenue.

10. **Amendment of Section 14 of Government Act, 1970:** In sub-section (2) of Section 14 of the Government Act, 1970, the words "their qualifications and disqualifications for being such members, the number of members required to constitute the quorum" occurring after the word "Assembly" shall be omitted.

11. **Insertion of Section 14-B and 14-C in Government Act, 1970:** In the Government Act, 1970, after Section 14-A the following, new Section shall be inserted, namely:

14-B. **Qualification of Members of the Assembly.**

(1) A person shall be qualified to be elected as, and to be, a Member of the Assembly if:

(a) he is a State subject as defined in the late Government of the State of Jammu and Kashmir Notification No. 1-L/84 dated the 20th of April, 1927;

(b) he is not less than 25 years of age; and

(c) his name appears on the electoral roll of any constituency in Azad Jammu and Kashmir territory or Pakistan.

(2) A person shall be disqualified from being so elected if:

(a) he is of unsound mind and stands so declared by competent court; or

(b) he is undischarged insolvant unless a period of 10 years has elapsed since his being adjudged as insolvent; or

(c) he has been on conviction for any offence sentenced to transportation or any term of imprisonment for a term of not less than two years unless a period of 5 years has elapsed since his release; or
(d) he holds any office of profit in the service of Azad Jammu and Kashmir or in Pakistan other than an office which is not a whole time office remunerated either by salary or by fee other than the office specified in the Second Schedule; or

(e) he has been dismissed for misconduct from the service of Azad Jammu and Kashmir or the service of Pakistan unless a period of five years has elapsed since his dismissal; or

(f) he is otherwise disqualified from being a member of the Assembly by this Act or by or under any other law.

"14-C. Seat in Assembly becomes vacant under certain circumstances.

(1) The seat of a member of the Legislative Assembly shall become vacant if:

(a) he resigns his seat by notice in writing under his hand addressed to the Speaker of the Assembly or in his absence to the Secretary of the Assembly; or

(b) he is absent from the Assembly without the leave of the Assembly for 30 consecutive sitting days of legislative Assembly; or

(c) he fails to make the oath referred to in section 14-A within a period of 90 days after the date of his election unless the Speaker of the Assembly for good cause shown extends the period; or

(d) he is elected as President; or

(e) he ceases to be qualified for being a member under any provision of this Act or any other law.

(2) If any question arises whether a member of the Assembly has, after his election, become disqualified from being a Member of the Assembly, the Speaker of the Assembly shall refer the question to Election Commissioner and if the Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be a Member."

12. **Substitution of Section 15 of the Government Act, 1970:**

Section 15 of the Government Act, 1970 shall be substituted by
the following Section, namely: -

"15. (1) The President may address the Legislative Assembly and send messages to the Assembly:

(2) A Member of the Council of Ministers and the Advocate-General shall have the right to speak in, and otherwise take part, the proceedings of the Legislative Assembly, or of any of its Committees, but shall not have the right to vote.

13. Amendment of Section 16 of the Government Act, 1970: -
(1) In sub-section (2) of section 16 of the Government Act, 1970 'full stop' after the word 'Assembly' shall be omitted and the following words shall be added, namely: -

"except when the Assembly has been summoned by the Speaker."

(2) Add to Section 16 of the Jammu and Kashmir Act, 1970 a sub-section (3) as follows: -

"(3) There shall be at least two sessions of the Legislative Assembly every year, and six months, shall not intervene between the last sitting of the Assembly in one session and its first sitting in the next session."

14. Amendment of Section 17 of the Government Act, 1970: - In subsection (1) of Section 17 of the Government Act, 1970 the 'full stop' after the word 'Assembly' shall be omitted and the following proviso shall be added, namely: -

"Provided that the President shall not dissolve the Assembly if a notice of a resolution is given under Section 4 of this Act before the resolution has been voted upon by the Assembly."

15. Addition of sub-section (1-A) (4) (5) and (6) in section 18 of Government Act, 1970: - (1) In Section 18 of the Government Act, 1970, after sub-section (1) the following new sub-section shall be inserted, namely: -

"(1-A) A member of the Assembly so elected as Speaker of the Assembly shall make an oath as is prescribed in such form set out in the First Schedule as is applicable to his office before such person as is prescribed by Rules of Procedure of the Legislative
Provided that the oath made under the Azad Jammu and Kashmir oath of offices ordinance, 1970, shall be deemed to have been made under this Act."

(2) In section 18 of the Government Act, 1970 after subsection (3) the following new sub-sections shall be added, namely:

"(4) so often as the office of the Speaker of the Assembly becomes vacant the Assembly shall again choose a member to fill the Office.

(5) The Speaker of the Assembly may resign his office by writing under his hand addressed to the President.

(6) the office of the Speaker of the Assembly shall become vacant if:

(a) except as provided in sub-section (7) of this section he ceases to be a member of the Assembly; or

(b) he is removed from office by a resolution of the Assembly (of which not less than 7 days notice by not less than 6 members has been given) passed by a majority of the total of the votes."

(7) At the time of codifying the Law it was found that sub-section (7) of Section 15 was not incorporated in Government (Amendment) Act 1971 (Act IX of 1971).

16. **Addition of Section 18-A in the Government Act, 1970:-** In the Government Act, 1970, after section 18 the following new Section shall be inserted, namely:

"18-A. **Rules of procedure, quorum etc:** (1) Subject to this Act:

(a) A decision in the Assembly shall be taken by a majority of the votes of members present and voting but the speaker or the person presiding in his absence shall not vote except when there is an equality of votes, in which case he shall exercise his casting vote; and

(b) the Assembly may act notwithstanding any vacancy in its
membership.

(2) If at any time during a meeting of the Assembly the attention of the person presiding at the meeting is drawn to the fact that less than 10 members are present, it shall be the duty of the person presiding either to adjourn the meeting or to suspend the meeting until 10 members are present."

17. **Addition of section 19-A in the Government Act, 1970:** In Government Act, 1970 after Section 19 the following new section shall be inserted, namely :-

"19-A. A General provisions regarding Assembly:- (1) The validity of any proceedings in the Assembly shall not be questioned in any Court.

(2) An Officer or member of an authority in whom powers are vested for the regulations of proceedings, the conduct of persons or maintaining of order in the Assembly shall not in relation to the exercise by him of any of those powers be subject to the jurisdiction of any Court.

(3) A member of, or a person entitled to speak in the Assembly shall not be liable to any proceedings in any Court in respect of anything said by him or any vote given by him in the Assembly or in any Committee of the Assembly.

(4) A person shall not be liable to any proceedings in any Court in respect of publication by or under the authority of the Assembly of any report, paper, vote or proceedings.

(5) No process issued by a Court or other authority shall, except with the leave of the Speaker of the Assembly be served or executed within the precincts of the place where a meeting of the Assembly is being held.

(6) Subject to this Section, the privileges of an Assembly of the Committees and Members of an Assembly and of the person entitled to speak in the Assembly may be determined by law."

18. **Addition of Section 24-A in the Government Act, 1970:** In the Government Act, 1970 after Section 24 the following new Section shall be inserted namely:-
"24-A. Judicial Board:— There shall be constituted a Judicial Board to be the highest Court of appeal which shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the Azad Jammu and Kashmir High Court. Its constitution and jurisdiction shall be prescribed by law."

19. **Amendment of sub-section (2) and addition of sub-section (4), (5), (6), (7) and (8) in Section 25 of the Government Act, 1970:**

(1) In sub-section (2) of Section 25 of the Government Act, 1970 the words 'until otherwise provided by an Act, of legislative Assembly' occurring before the words the 'High Court' shall be omitted.

(2) In Section 25 of the Government Act, 1970 after sub-section (3) the following new sub-sections shall be added, namely:

(4) Chief Justice and the Judges of the High Court shall be appointed by the President, but a person shall not be so appointed as a Judge of the High Court or Advocate General unless:

(a) he has for a period, or for periods aggregating, not less than ten years, been an Advocate or pleader of the High Court of Azad Jammu and Kashmir or Pakistan:

Provided that the term 'High Court' herein shall include a High court or an equivalent Court that existed at any time before the 14th day of August, 1947; or

(b) he has for a period of not less than ten years held a Judicial office out of which three years shall have been as District and Sessions Judge.

(5) Before he enters upon his office, the Chief Justice of the high Court shall make such oath before the president and another Judge of the High Court shall make before the Chief Justice an oath in such form set out in first Schedule as is applicable to his office.

(6) The chief Justice or a Judge of the High court shall hold office until he or they attains the age of 60 years unless he or they sooner resigns or are removed from office in accordance with law:
Provided that the President may appoint a Retired judge of any High court of Pakistan to be Chief Justice or a Judge of Azad Jammu and Kashmir High Court for a period not exceeding 3 years and such person will hold office till he attains the age of 65 years:

Provided that the Chief Justice of the High Court holding office at the time of the promulgation of this Act shall retire at the age of 65 years.

(7) If at any time any Judge of the High Court is absent or is unable to perform the functions of his office due to illness or some other cause the President may appoint a person qualified for appointment as a Judge of the High Court to be an Additional Judge of the High Court for the purpose or period for which the Judge is absent or unable to perform his functions.

(8) A Judge of the High Court shall not:

(a) hold any other office of profit in the Government if his remuneration is thereby increased; or

(b) occupy any other position carrying the right to remuneration for the rendering of service, but this clause shall not be construed as preventing a Judge from holding or managing private property; or

(c) a person who has held office as a Judge of the High Court shall not hold any office of profit in the Government before the expiration of two years after he ceased to hold that office."

20. **Addition of Section 25-A in the Government Act, 1970:-** In the Government Act, 1970, after Section 25, the following new section shall be inserted, namely:-

“25-A. **Writ Petitions.**

(1) The High Court shall have such jurisdiction as is conferred on it by this Act or by any other law.

(2) Subject to this Act, the High Court, if it is satisfied that no other adequate remedy is provided by law:

(a) on the application of aggrieved party make an order:
(i) directing a person performing functions in connection with the affairs of the Azad Jammu and Kashmir or local authority to refrain from doing that which he is not permitted by law to do, or to do that which he is required by law to do; or

(ii) declaring that any act done or proceedings taken in Azad Jammu and Kashmir by a person performing functions in connection with the affairs of the State or by local authority has been done or taken without lawful authority, and no legal effect; or

(b) on the application of any person, make an order:

(i) directing that a person in custody in Azad Jammu and Kashmir be brought before the High Court, so that the court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or

(ii) requiring a person in Azad Jammu and Kashmir holding or purporting to hold a public office to show under what authority of law he claims to hold that office; or

(c) on the application of any aggrieved person, make an order giving such directions to the Government or authority or any person exercising any power or performing any function in or in relation to Azad Jammu and Kashmir as may be appropriate for the enforcement of any of the fundamental rights conferred by this Act.

(3) An order shall not be made under sub-section (2) of this Section:

(a) on application made by or in relation to a person in the Defense Services, in respect of his terms and conditions of service, in respect of any matter arising out of his service or in respect of any action taken in relation to him as a member of the Defense Services.

(4) Where:

(a) application is made to the High Court for an order under Clause (a) or Clause (c) of this Section; and
(b) the Court has any reason to believe that the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to the public interest, the Court shall not make an interim order unless the Advocate General has been given notice of the application and the Court, after the Advocate General or any officer authorized by him in this behalf has been given an opportunity of being heard, is satisfied that the making of the interim order would not have the effect referred to in paragraph (b) of this sub-section.

(5) In this Section, unless the context otherwise requires "Person" includes any body politic or corporate, any authority of or under control of the Government and any Court or tribunal, other than the Judicial Board or High Court or a Court of tribunal established under law relating to Defense Services.

21. Addition of Section 25-B Government Act, 1970: In the Government Act, 1970, after Section 25-A, the following new Section shall be added, namely :

"25-B- Fundamental Rights.

(1) Any law or any custom or usage having the force of law in so far as it is inconsistent with rights conferred by this Section shall to the extent of such inconsistency be void.

(2) The Government shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this sub-section shall, to the extent of such contravention, be void.

(3) The provisions of this Section shall not apply to any law relating to the Members of Defense Service or of the forces charged with the maintenance of public order for the purpose of ensuring proper discharge of their duties or the maintenance of discipline among them:

(4) The Rights :

1. Security of persons:- No person shall be deprived of life or liberty save in accordance with law.

2. Safeguard as to arrest and detention:- (1) No person
who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a local practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest, excluding the time necessary for the Journey from the place of arrest to the Court of the magistrate, and no such person shall be detained in custody beyond the said period without the authority of Magistrate.

(3) Nothing in sub paragraph (i) and (ii) shall apply to any person:

   (a) who for the time being is an enemy alien; or
   
   (b) who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorize the detention of a person for a period exceeding three months unless the Review Board set up by the Government has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:

   Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

3. **Slavery and forced labour prohibited.** (1) No person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Azad Jammu and Kashmir territory of slavery in any form.
(2) All forms of forced labour are prohibited.

(3) Nothing in this paragraph shall be deemed to effect compulsory service:

(a) by persons undergoing punishment for offences against any law; or

(b) required by any law for public purposes.

4. **Protection against retrospective punishment:** No law shall authorize the punishment of a person:

(a) for an act or omission that was not punishable by law at the time of the act or omission; or

(b) for an offence by a penalty greater than, or of a kind different from the penalty prescribed by law for that offence, at the time the offence was committed.

5. **Freedom of movement:** Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Azad Jammu and Kashmir territory and to reside and settle in any part thereof.

6. **Freedom of Assembly:** Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

7. **Freedom of Association:** Subject to this Act, every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of morality or public order.

8. **Freedom of trade, business or profession:** Every citizen, possessing such qualifications if any, as may be prescribed by law in relation to his profession or occupation, shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this paragraph shall prevent:
(a) the regulation of any trade or profession by a licensing system; or

(b) the regulation of trade, commerce or industry in the interest of free competition therein; or

(c) the carrying on, by Government or a Corporation controlled by Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

9. **Freedom of speech:** Every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security of Azad Jammu and Kashmir, friendly relations with Pakistan, public order, decency or morality, or in relation to contempt of Court, defamation or incitement to an offence.

10. **Freedom of religion:** Subject to law, public order and morality:

   (a) every citizen has the right to profess and practice his religion; and

   (b) every religious denomination and every sect thereof has the right to establish, maintain and manage its places of worship:

   Provided that nothing contained in (a) and (b) above shall be so construed as to abridge the authority to promulgate laws which may prescribe prohibition or penalty for conversion from Islam or the act of converting, or the attempt of converting Muslim to some other religion.

11. **Safeguard against taxation for purposes of any particular religion.**

    No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.
12. **Safeguard as to educational institutions in respect of religion, etc.:-**  (1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religions worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste, or place of birth.

(4) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(5) Every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice, and the State shall not deny recognition to any such institution on the ground only that the management of such institution vests in that community or denomination.

(6) Nothing in this paragraph shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

13. **Provision as to property:-** Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have right to acquire, hold and dispose of property.

14. **Protection of property rights:-**  (1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of sale for a public purpose, and sale by the authority of law which provides for compensation therefore and either fixes the amount of compensation or
specifies the principles on which and the manner in which compensation is to be determined and given.

(3) Nothing in this paragraph shall affect the validity of:

(a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or

(b) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be evacuee property under any law; or

(c) any law providing for the taking over by the State for a limited period of the management of any property for the benefit of its owner; or


Explanation:- In sub-paragraphs (2) and (3), 'property' shall mean immovable property, or any commercial or industrial undertaking, or any interest in any undertaking.

15. **Equality of citizens:-** All citizens are equal before law and are entitled to equal protection of law.

16. **Non-discrimination in respect of access to public places:** In respect of access to places of public entertainment or resort, not intended for religious purposes only there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex or, place of birth, but nothing herein shall be deemed to prevent the making of any special provision for women.

17. **Safeguard against discrimination in services:** No citizen otherwise qualified for appointment in the service of Azad Jammu and Kashmir shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste or sex;

Provided that in the interest of service, specified posts or services may be reserved for members of either
Abolition of untouchability:- Untouchability is abolished and its practice in any form is forbidden and shall be declared by law to be an offence:

22. **Addition of Section 25-C in the Government Act, 1970:-** In Government Act, 1970, after Section 25-B the following new Section shall be added, namely :-

"25-C Contempt of Court.

1. In this Section Court means and includes the Judicial Board and the High Court.

2. A Court shall have powers to punish any person who:

   (a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;

   (b) scandalizes the court or otherwise does anything which tends to bring the court or a Judge of the court into hatred ridicule or contempt;

   (c) does anything which tends to prejudice the determination of the matter pending before the court; or

   (d) does any other thing which, by law, constitutes contempt of the Court.

3. The exercise of the power conferred on court by this Section may be regulated by law and, subject to law, by rules made by the court.

23. **Addition of Section 25-D in the Government Act, 1970:-** In the Government Act, 1970, the following new Section shall be inserted after Section 25-C, namely :

"25-D High Court to superintend and control all Courts subordinate to it.

1. The Azad Jammu and Kashmir High Court shall superintend and control all other courts that are subordinate to it.

2. There shall in addition to the Judicial Board and the High
Court, be such other Courts as are established by law.

3. A Court so established shall have such jurisdiction as is conferred on it by law and shall not have any jurisdiction which is not conferred on it by this Act or by or under any other law."

24. **Addition of Section 26-A in the Government Act, 1970.** - In the Government Act, 1970, the following new Section shall be inserted after Section 26, namely :-

"26-A The services:

1. Subject to this Act, the appointment of persons to, and the terms and conditions of service of person in the service of Azad Jammu and Kashmir may be regulated by law.

2. Subject to this Act, person who is a member of any service or who holds the civil post in connection with the affairs of Azad Jammu and Kashmir :-

   (a) shall not be dismissed or removed from service, or reduced in rank, by an authority subordinate to that by which he was appointed unless that subordinate authority has been expressly empowered to do so by an authority not so subordinate; and

   (b) Subject to sub-section (2) of this Section, shall not be dismissed or removed from service, or be reduced in rank, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken with respect to him.

3. Clause (b) of sub-Section (2) of this section shall not apply:

   (a) where a person is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to his conviction, and entailing imprisonment on a criminal charge ;

   (b) where an authority empowered to dismiss or remove a person from service, or to reduce a person in rank, considers that, in the circumstances of the case, it is not practicable to give to the person an opportunity of showing cause or that it would be prejudicial to the
25. **Addition of Sections 32, 33, 34 and 35 in Government Act, 1970:** In the Government Act, 1970 the following new sections shall be added after section 31 namely:

"32 **General provision regarding President and Ministers:**

(1) Neither the President nor a Minister shall:

(a) hold any other office of profit in the service of Azad Jammu and Kashmir or any other country; or

(b) occupy any other position carrying the right of remuneration for the rendering of services, but this Section shall not be construed as preventing the President or a Minister from holding or managing his private property.

(2) No criminal proceedings whatsoever shall be instituted or continued against the president while he is in office.

(3) No civil proceedings in which relief is claimed against the president shall be instituted while he is in respect of anything done or not done, or purporting to have been done or not done by him in his personal capacity, whether before or after he enters upon his office, unless, at least 60 days before the proceedings are instituted notice in writing has been delivered to him, or sent to him, stating nature of the proceeding, the cause of action, the names, description and place of residence of the party by whom the proceedings are to be instituted and the relief which he claims.

(4) Except in relation to proceedings referred to in sub-section (2) of this Section, no process whatsoever shall be issued from any court or Tribunal against the president, whether in a personal capacity or otherwise, while he is in office.

(5) Subject to this Act, neither the President nor a Minister shall except in respect of anything done or not done by him in contravention of law, be answerable to any court or Tribunal for the exercise of the powers, or the performance of the duties of his office or for any act done or purporting to be done by him in the exercise of those powers or in the performance of those
duties.

Sub-section (1) of this Section shall not be construed as restricting the right of any person to bring appropriate proceedings against the Government.

(6) The Ministers and the Advocate-General shall hold office during the pleasure of the president and may resign office by writing under his hand addressed to the President”.

33. Subject to this Act, no person or Political Party in Azad Jammu and Kashmir shall be permitted to propagate against or take part in activities prejudicial or detrimental to the ideology of the State's accession to Pakistan.

34. No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.

Law shall be framed prescribing punishment or penalty for bringing into contempt the basic tenets of Islam.

35. The provisions of this Act shall over-ride and have effect notwithstanding, the provision of any law for the time being in force or which might come into force at any time subsequent to the promulgation of this Act.
I,.................................................................having being elected as President of Azad Jammu and Kashmir do hereby solemnly swear in the name of Allah;

That, as President of Azad Jammu and Kashmir I will remain loyal to the country and to the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as President honestly and faithfully;

and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as President:

So help me Allah:
MINISTER

I................................................................. having being appointed as a Minister of President's Council of Ministers do hereby solemnly swear in the name of Allah;

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as member of president's Council of Ministers honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Minister of the Azad Jammu and Kashmir;

So help me Allah:
SPEAKER OF LEGISLATIVE ASSEMBLY

I, ........................................................................ having being elected as Speaker of Azad Jammu and Kashmir legislative Assembly do hereby solemnly swear in the name of Allah;

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as Speaker of the Legislative Assembly honestly and faithfully; and

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Speaker of the Assembly;

So help me Allah;

__________________________
MEMBER OF LEGISLATIVE ASSEMBLY

I ................................................................. having been elected as member of the Legislative Assembly do hereby solemnly swear in the name of Allah;

That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan;

That I will perform my functions as Member of the Legislative Assembly honestly and faithfully;

That I will not directly or indirectly communicate or reveal to any person any official secret which may come to my knowledge as Member of the Legislative Assembly.

So help me Allah;

____________________
OATH OF CHIEF JUSTICE/JUDGE HIGH COURT

I, .............................................................. having been appointed Chief Justice (or Judge) of the High Court of Judicature, Azad Jammu and Kashmir State, do solemnly swear that I owe allegiance to Allah and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment and will administer justice according to the law in force in the Azad Jammu and Kashmir State without fear or favour, affection or ill will.

SECOND SCHEDULE
Section II

1. An office which is not a whole-time office remunerated either by salary or by fee.

2. The office of Lamberdar, Inamdar, Sufedposh and Zaildar, whether called by this or any other title.

3. The Offices of the Chairman of the Union Council, Union Committee and Town Committee and of the Vice-Chairman of the Municipal Committee and the District Council.

4. Reserve of the Armed Forces.

5. Any other office which is declared by an Act of the Assembly not to disqualify its holder from being elected as, or from being a member of the Assembly.

The above Bill was passed by the Legislative Assembly of Azad Jammu and Kashmir on the day of June 24, 1971.
THE AZAD JAMMU AND KASHMIR LAND REFORMS
(AMENDMENT) ACT, 1971

(ACT X OF 1971)


1. **Short title and commencement:** (1) This Act shall be called the Azad Jammu and Kashmir Land Reforms Amendment Act, 1971.

   (2) It shall come into force at once.

2. **Amendment.** The amendment shall be as follows:

   (1) "Section 22, 23 and 24 in part VII of Azad Jammu and Kashmir Land Reforms Act, 1960 shall be deleted from the said Act.

   (2) The Section and parts following to Section 22, 23 and 24 and part VII of the said Act shall be renumbered suitably.

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THE AZAD JAMMU AND KASHMIR STATE SUBJECT CERTIFICATE CANCELLATION ACT, 1971

(Act XI of 1971)

WHEREAS it is expedient to make provision for enquiry being made into complaints against issuance of false State Subject Certificates;

It is hereby enacted as follows:-

1. **Short title commencement and extent:**
   - (1) This Act may be called the Azad Jammu and Kashmir State Subject Certificate Cancellation Act, 1971.
   - (2) It shall come into force at once.
   - (3) It extends to the whole of Azad Jammu and Kashmir.

2. **Definitions:**
   - In this Act, unless there is anything repugnant in the subject or context:
     1. 'false State Subject Certificate' means a State Subject Certificate obtained or issued on evidence which the person obtaining, or the officer issuing, either knows or has reason to believe to be false or does not believe to be true and includes a forged State Subject Certificate;
     2. 'State Subject Certificate' means a State Subject Certificate issued under the Rules contained in the late Government of the State of Jammu and Kashmir Council Order No. 804 of 1935;
     3. 'Special Board' means a Board constituted under Section 3.

3. **Constitution of Special Board:**
   - The Government may by notification in the official Gazette, constitute a Special Board comprising of a Chairman and two other members appointed by the Government.

4. **Functions of the Special Board:**
   - The Special Board, either of its own motion or on a complaint by any person, may, at any time, enquire into and cancel a Certificate which is found to be false State Subject Certificate.
5. **Powers of special Board:** (1) The Special Board shall have the powers of a civil court trying a suit under the code of Civil procedure, 1908 (Act V of 1908), as in force in Azad Jammu and Kashmir, in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents.

(2) The Special Board may require any person, subject to any privilege which he may claim under any law for the time being in force, to furnish such information as, in the opinion of the Special Board, may be of assistance to it for the purpose of an enquiry under this Act.

6. **Punishment:** (1) Any person found to have obtained or helped in obtaining a false State Subject Certificate shall be punished with imprisonment of either description for a term which may extend to one year, and shall also be liable to fine which may extend to one thousand rupees.

(2) Any Government servant who is found to have issued, or recommended the issuance of a false State Subject Certificate shall be punished with imprisonment of either description which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

7. **Procedure in the trial:** (1) The provisions of Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898), as in force in Azad Jammu and Kashmir, shall apply to the trial of cases under this Act so far as they are not inconsistent with the provisions of this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), as in force, in Azad Jammu and Kashmir or any other law for the time being in force, the previous sanction of the Government shall be required for the prosecution of a Government servant for an offence under subsection (2) of Section 6 and such sanction shall be sufficient for
the prosecution of the Government servant for such offence.

8. **Supply of Copies of previous statement:-** The previous statements of the witnesses to be examined for the prosecution at the trial shall be supplied to the accused at least one week before the commencement of the trial.

9. **Power to make rules:-** The Government may make rules to carry out the purposes of this Act.
THE AZAD JAMMU AND KASHMIR LOGGING AND SAW MILL CORPORATION (AMENDMENT) ACT, 1971

(Act XII of 1971)


Whereas it is expedient to amend the Azad Kashmir Logging and Saw Mill Corporation Ordinance, 1968 (Ordinance IV of 1968), for the purpose hereinafter appearing ;

It is hereby enacted as follows :-

1. **Short title and commencement:**-(1) This Act may be called the Azad Jammu and Kashmir Logging and Saw Mill Corporation (Amendment) Act, 1971.

(2) It shall come into force at once, and shall be deemed to have taken effect from 23rd April, 1971.

2. **Amendment of Section 6, Ordinance IV of 1968:**- In the Azad Kashmir Logging and Saw Mill Corporation Ordinance, 1968 (Ordinance IV of 1968), in section 6:

(1) in clause (c), the word 'and' at the end shall be omitted;

(2) in clause (d), for the full stop at the end the comma and word 'and' shall be substituted; and

(3) after clause (d) amended as aforesaid, the following new clause (e) shall be added, namely:-


THE PAKISTAN ARMY (AMENDMENT) ACT, 1971

(Act XIII of 1971)


Whereas it is expedient to amend the Pakistan Army Act 1952 (as in force in Azad Jammu and Kashmir Territory) for the purposes hereinafter appearing;

It is hereby enacted as follows :-

1. **Short title and commencement.**-(1) This Act may be called the Pakistan Army (Amendment) Act, 1971.

(2) It shall come into force at once.

2. **Amendment of Section 2.**- In the Pakistan Army Act, 1952:

   In Section 2, in sub-section (1) (c) for the full stop at the end a colon shall be substituted and thereafter the following new clause (d) shall be added, namely:-

   
   "(d) Persons not otherwise subject to this Act who are accused of:

   (i) Seducing or attempting to seduce any person subject to this Act from his duty or allegiance to Government ; or

   (ii) Having committed, in relation to any work of defence, arsenal, naval, Military or Air Force establishment or station, ship or air craft or otherwise in relation to the naval, Military or Air Force affairs of Pakistan or Azad Jammu and Kashmir an offence under the Official Secret Act, 1923.

3. **Amendment of Section 59:**- In the Pakistan Army Act, 1952, in Section 59, after sub-section (3), the following new sub-section (4) shall be added, namely :

   "(4) Notwithstanding anything contained in this Act or in any other law for the time being in force, a person who becomes subject to this Act by reason of, his being accused of an offence under clause (d) of sub-section (3) of Section 2, shall be liable to
be tried or otherwise dealt with under this Act for such offence as if the offence were an offence against this Act and were committed at a time when such person was subject to this Act; and the provisions of this section shall have effect accordingly."
THE AZAD KASHMIR COURTS AND LAWS CODE
(AMENDMENT) ACT, 1971.

(Act XIV of 1971)


Whereas it is expedient to amend the Azad Kashmir Courts and Laws Code, 1949;

It is hereby enacted as follows: -

1. **Short title and commencement.**-(i) This Act may be called the Azad Kashmir Courts and Laws Code (Amendment) Act, 1971.

   (ii) It shall come into force at once.

2. **Amendment of Section 5 (1) of the Azad Kashmir Courts and Laws Code, 1949:**- In clause (i) of Section 5 of the Azad Kashmir Courts and Laws Code, 1949, for the words ‘one or two’ the words ‘two or three’ shall be substituted.
THE AZAD JAMMU AND KASHMIR MEMBERS OF THE
LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES)
ACT, 1971

(Act XV of 1971)

An Act to provide for the salaries and allowances of the Member
of the legislative Assembly.

Whereas it is expedient to provide for the salaries and
allowances of the Members of Legislative Assembly ;

It is hereby enacted as follows :-

1. **Short title, extent and commencement:-** (1) This Act may be
called the Azad Jammu and Kashmir Members of the Legislative
Assembly (Salaries and Allowances) Act, 1971.

(2) It shall extend to the whole of Azad Jammu and Kashmir
Territory.

(3) It shall come into force at once.

2. **Definitions:** In this Act, unless there is anything repugnant in
the subject or context :

(a) 'Assembly' means the Legislative Assembly of Azad Jammu
and Kashmir ;

(b) 'Committee' means a Standing Committee or a Select
Committee of the Assembly or any other Committee set up
by or under the authority of the Assembly in Connection
with the business of the Assembly ;

(c) 'Member' means a Member of the Legislative Assembly but
does not include the Speaker.

3. **Salary:** A Member shall be entitled to receive a salary at the
rate at rupees eight hundred per mensum from the first of July,
1971.

4. **Daily Allowance:** For each day during any period of residence
on duty a Member shall be entitled to receive a daily allowance
at the rate of twenty five rupees from, 1st of July, 1971.
Explanation:- In this Section 'period of residence on duty' means the period during which a Member, for the purpose of attending a session of the Assembly or a meeting of a Committee or for attending to any other business connected with his duties as Member, resides at the Place, including his usual place of residence, where the session or the meeting is held.

5. **Traveling allowance**: For every journey performed for the purpose of attending a session of the Assembly or a meeting of a Committee or for attending to any other business connected with his duties as Member, from his usual place of residence to the place where the session or the meeting is held or other business is transacted and for the return journey from such place to his usual place of residence, a Member shall be entitled to receive traveling allowance as admissible to Class I Officer.

6. **Power to make rules**: A Committee consisting of the Speaker, the Leader of the House, the leader of the Opposition may with the approval of the President by Notification in the Official Gazette, make rules for carrying out the purposes of this Act.
THE AZAD JAMMU AND KASHMIR EMPLOYEES
BENEVOLENT FUND AND GROUP INSURANCE ACT, 1971

(Act XVI of 1971)


An Act to establish a benevolent fund for the common benefit of the employees of the Government and certain autonomous bodies and to provide for their Group Insurance.

Whereas it is expedient to establish a benevolent fund for the common benefit of the employees of Azad Government of the State of Jammu and Kashmir and certain autonomous bodies and to provide for their Group Insurance;

It is hereby enacted as follows :-

1. **Short title, commencement and application:**
   (1) This Act may be called the Azad Jammu and Kashmir Employees Benevolent Fund and Group Insurance Act, 1971.
   (2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint; and different date may be appointed in respect of different provisions of this Act or for different classes or categories of employees.
   (3) It shall extend to the whole of Azad Jammu and Kashmir Territory and applies to every employee wherever he may be.

2. **Definitions:**
   In this Act, unless there is anything repugnant in the subject or context :
   (1) 'Benevolent Fund' means the Azad Jammu and Kashmir Employees Benevolent Fund established under Section 11 ;
   (2) 'Board' means the Board of trustees set up under Section 4;
   (3) 'Employee' means :
   (a) any person who holds a civil post in connection with the affairs of the Government ;
   (b) any officer or servant of such body corporate, institution,
organization or autonomous body as the Government may, by notification in the Official Gazette, specify and includes any such person, officer, servant or member of the staff who is:

(i) on extension of service after the age of superannuation;

(ii) on deputation elsewhere;

(iii) undergoing study or training in or outside Azad Kashmir;

(iv) under orders of suspension.

(4) 'Family' means:

(a) In the case of male employee, the wife or wives, and in the case of a female employee, the husband of employee; and

(b) the legitimate children, parents, minor brothers, un-married, divorced or widowed sisters of the employee residing with and wholly dependent upon him;


(6) 'Insurance Fund' means the Azad Jammu and Kashmir Employees Insurance Fund established under Section 17;

(7) 'Pay' includes special pay, personal pay, technical pay, leave salary and subsistence grant;

(8) 'Prescribed' means prescribed by rules;

(9) 'Rules' means rules made under this Act.

3. **This Act, and rules to override other Laws, but not to affect retirement benefit etc**: The provisions of this Act and the rules shall have effect notwithstanding anything contained in any other law, rules, order, notification, contract or other document or instrument; but nothing herein contained shall affect the right to receive any pension, Provident fund, gratuity or other benefits accruing to the employee on his retirement or invalidation or to his family upon his death, otherwise than under this Act.
CHAPTER II
BOARD OF TRUSTEES

4. **Board of Trustees:**-(1) There shall be set up a board to be known as the Board of Trustees of Azad Jammu and Kashmir Employees Benevolent Funds which shall consist of the following, namely:

(a) Chief Secretary to the Azad Government of the State of Jammu and Kashmir, who shall be the Chairman of the Board;

(b) Finance Secretary, Azad Government of the State of Jammu and Kashmir, (Member).


(d) Five persons from amongst the employees whom the President, by notification in the official Gazette appoint to be members of the Board;

Provided that at least two such members shall be from amongst the non-Gazetted employees.

(2) The members appointed by the President shall hold office during his pleasure and may be replaced by him at any time.

5. **Board to be body corporate:**- The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable and shall by the aforesaid name sue or be sued.

6. **Head Office:**- The Head Office of the Board shall be at Muzaffarabad or at such other place as the Government may, by Notification in the official Gazette, appoint.

7. **Powers of the Board:**- The Board shall have power:

(a) to settle claims for benevolent grants and sums assured under this Act and all matters connected with such claim;

(b) to sanction grant from the Benevolent Fund to the employees or their families in accordance with the provisions of this Act and the rules made thereunder;
(c) to do or cause to be done all acts and things necessary for the proper administration and management of the money or properties in the Benevolent Fund and the Insurance Fund;

(d) to sanction expenditure connected with the administration and management of the Benevolent Fund and the Insurance Fund;

(e) to make arrangement for the insurance of the life of the employees to give effect to the provisions of this Act;

(f) to invest moneys held in the Benevolent Fund in Government securities, in the construction of buildings for purposes of raising rent income, and in other profitable ventures the plans whereof having been previously approved by the Government;

(g) to appoint or employ such persons including a Managing Director if any, as it considers necessary for the efficient performance of its operations on such terms and conditions as it may, subject to rules, determine;

(h) to do or cause to be done all things ancillary or incidental to any of the aforesaid powers or to the purposes of the Benevolent Fund and the Insurance Fund.

8. **Meetings of the Board.** (1) The meetings of the Board shall be held at such times and places as may be prescribed, but the chairman may convene the meetings of the Board at any other time and place.

(2) To constitute a quorum at a meeting of the Board, the number of members present shall be four.

(3) Each member of the Board shall have one vote and in the event of equality of votes the Chairman shall have a second and casting vote.

(4) The meetings of the Board shall be presided over by the Chairman and in the absence of the Chairman by the person elected for the purpose by the members present from amongst themselves.

(5) All orders and decisions of the Board shall be authenticated by the signature of the Chairman or of such other member as
may have been authorized by the Board by a resolution.

9. **Secretary and his powers and functions:** (1) The Board may appoint any of its members to be the Secretary of the Board.

(2) The Secretary of the Board shall exercise such powers and perform such functions as may be prescribed or as may, subject to rules, be assigned to him by the Board.

10. **Delegation of Powers:** The Board may, for facilitating the discharge of its functions and ensuring efficient operation of the Benevolent Fund and the Insurance Fund, by a resolution published in the Official Gazette, delegate to the Secretary, or to the managing Director, if any, or any other Officer of the Board, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem necessary.

**CHAPTER III**

**BENEVOLENT FUND**

11. **The Azad Jammu and Kashmir Employees Benevolent Fund:** (1) There shall be established a Fund to be called the Azad Jammu and Kashmir Employees Benevolent Fund;

(2) To the credit of the Benevolent Fund shall be placed:

(a) all sums paid by the employees as subscriptions to the Benevolent Fund;

(b) all grants made by the Government, autonomous bodies, organizations, institutions or other authorities;

(c) donations made by private individuals or institutions;

(d) all income, profits or interest accruing from the assets belonging to the Benevolent Fund or from investment made out of the moneys of the Fund;

(e) loans raised by the Board with the previous approval of the Government.

(3) The moneys credited to the Benevolent Fund shall be kept in such bank as may be prescribed.
12. **Subscription to be paid by the Employees:** (1) Every employee shall be liable to pay to the Benevolent Fund a monthly subscription equal to one percent of his pay or such lesser percentage as may be prescribed or twenty rupees whichever be less and the amount of such subscription shall, as far as possible, be deducted at the source from his pay and credited or remitted to the Benevolent Fund.

(2) Where the amount of subscription cannot for any reason be deducted from the pay of the employee, the employee shall remit to such officer as may be prescribed for the purpose the sum of subscription payable by him and any amount of subscription remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be prescribed.

(3) Default in the payment of the subscription either for the reason that the pay of the employees was not drawn or due to his inadvertence, negligence or fault or any other reasons whatsoever shall not affect his right or the right of his family to receive the benevolent grant provided for in section 13, but the amount of unpaid subscriptions may be deducted from the benevolent grant.

13. **Benevolent grants to be paid from the Benevolent Fund:** If any employee:

(a) is declared by the prescribed medical authority to have been completely incapacitated physically or mentally to discharge the duties of his employment and is for that reason removed from service, or

(b) dies during the continuance of his employment or, if he has retired from service, within the prescribed period before attaining the age of 60 years, he or, in the event of his death, his family shall be entitled to receive a benevolent grant from the Benevolent Fund according to the scale specified in the first Schedule, for period of ten years or up to the date on which the employee attains or might have, if he were alive, attained the age of 60 years, whichever is earlier:

Provided that in the case of an employee who dies after having drawn benevolent grant under this section, the said period of ten years shall be reckoned from the date from which he began drawing such grant.
14. **Payment of benevolent grant:**-(1) On the death of an employee, the amount of benevolent grant payable under section 13 shall be paid to such member or members of his family as he might have nominated in accordance with the rule in full or in the share specified by him at the time of making of nomination.

(2) Where no valid nomination made by the employee subsists at the time of his death, the amount of benevolent grant shall be paid to such member, or members of his family, subject to such conditions imposed with a view to ensuring that the amount is justly and equitably utilized for the maintenance and benefit of all the members of family, as may be prescribed or may, consistently with the rules, be determined by the Board or an officer authorised by the Board in that behalf.

**CHAPTER IV GROUP INSURANCE.**

15. **Insurance of employees:**- Subject to the provisions of this Act and the rules, in the event of the death of an employee, occurring by whatsoever cause, during the continuance of his employment, the Board shall pay to the family of the deceased employee a sum specified in the Second Schedule.

16. **Arrangements with Insurance Company etc:**- The Board may from time to time arrange for the insurance of the life of the employees in sums specified in the Second Schedule with such insurance company or other insurer and for such period as it deems fit, and where any such arrangement subsists, the liability to pay the said specified sums shall directly devolve upon the insurance company or other insurer.

17. **The Azad Jammu and Kashmir Employees Insurance Fund:**

(1) There shall be established a fund to be called the Azad Jammu and Kashmir Employees Insurance Fund which shall vest in and be held and administered by the Board.

(2) All sums received from the employees as premia for the group insurance of the employees and any interest or profit accruing thereon shall be credited to the Insurance Fund.

(3) The moneys credited to the Insurance Fund shall be kept in such bank as may be prescribed.

(4) All expenses on any arrangement entered into by, the
Government with any insurance company or other insurer as provided for in section 36 and all expenses on the administration of the Insurance Fund shall be defrayed from the Insurance Fund.

(5) Any sums remaining in the Insurance Fund after defraying the expenses referred to in sub-section (4) may be utilized for such purposes connected with the benefit of the families of the employees as the Board may direct.

18. **Payment of premia:**

(1) Every employee shall be liable to pay to the Insurance Fund such sum of money as may be prescribed as premium for the insurance of his life as provided for in this Chapter and the amount of such premium shall as far as possible be deducted at the source from his pay and credited or remitted to the Insurance Fund.

(2) Where the amount of premium cannot for any reason be deducted from the pay of the employee, the employee shall remit to the prescribed officer the sum of premium payable by him, and any premia remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be prescribed.

(3) Default in the payment of premia either for the reason that the pay of the employee was not drawn or due to his negligence or fault or for any other reason whatsoever shall not affect the right of his family to receive the sum assured in the event of the death of the employee, but the premium remaining unpaid at the time of his death may be recovered from the assured amount.

19. **Payment of the sum assured:**

(1) On the death of an employee, the sum assured shall be paid to such member or members of his family as he might have nominated in accordance with the rules in full or in the shares specified by him at the time of making the nomination.

(2) Where no valid nomination made by the employee subsists at the time of his death, the sum assured shall be paid to such member or members of his family subject to such conditions imposed with a view to ensuring that the sum is justly and equitably utilized for the maintenance and benefit of all the members of the family as may be prescribed or may consistently with the rules be determined by the Board or any officer authorised by the Board in the behalf.
CHAPTER V GENERAL

20. **Audit and accounts:** (1) The accounts of the Benevolent Fund and of the Insurance Fund shall be maintained in such manner and form as the Accountant General of Azad Kashmir may, from time to time, direct, by such officer or authority as the Board may appoint.

(2) The accounts of the Benevolent Fund and of the Insurance Fund shall be audited by such authority or agency as the Government may, after consulting the Accountant-General of Azad Kashmir appoint.

21. **Protection of action taken in good faith:** No suit, prosecution or other proceedings shall lie against the Government, the Board or any officer or other authorised person for anything in good faith done or purporting to have been done in pursuance of this Act or the rules.

22. **Exemption from taxes:** The Government may by order in writing.

(a) exempt the Benevolent Fund and the Insurance Fund from any tax, rate or duty leviable by such Government or by a local authority under the control of such Government;

(b) exclude the amount of premium or subscription paid by an employee from his assessable income under the Income Tax Act, 1922 (XI of 1922) as in force in the Azad Jammu and Kashmir Territory.

23. **Power to make rules:** The Government may make rules for the purpose of giving effect to all or any of the provisions of this Act.

THE FIRST SCHEDULE

The amount of benevolent grant payable under Section 13 shall be as follows:

<table>
<thead>
<tr>
<th>In the case of an employee drawing:</th>
<th>not more than Rs. 100</th>
<th>not Rs. 50</th>
</tr>
</thead>
<tbody>
<tr>
<td>-do- Rs. 100</td>
<td>but/more than Rs. 200</td>
<td>Rs. 75</td>
</tr>
</tbody>
</table>

52
-do-  Rs. 200  -do-  Rs. 300  Rs. 100
-do-  Rs. 300  -do-  Rs. 400  Rs. 125
-do-  Rs. 400  -do-  Rs. 500  Rs. 150
-do-  Rs. 500  -do-  Rs. 600  Rs. 175
-do-  Rs. 600  -do-  Rs. 700  Rs. 200
-do-  Rs. 700  -do-  Rs. 800  Rs. 225
-do-  Rs. 800  -do-  Rs. 900  Rs. 250
-do-  Rs. 900  -do-  Rs. 1,000  Rs. 275
-do-  Rs. 1,000  -do-  Rs. 1,100  Rs. 300
-do-  Rs. 1,100  -do-  Rs. 1,200  Rs. 325
-do-  Rs. 1,200  -do-  Rs. 1,300  Rs. 350
-do-  Rs. 1,300  -do-  Rs. 1,400  Rs. 375
-do-  Rs. 1,400  -do-  Rs. 1,500  Rs. 400
-do-  Rs. 1,500  -do-  Rs. 1,600  Rs. 425
-do-  Rs. 1,600  -do-  Rs. 1,700  Rs. 450
-do-  Rs. 1,700  -do-  Rs. 1,800  Rs. 475
-do-  Rs. 1,800  -do-  Rs.  500

THE SECOND SCHEDULE

The sum assured to be paid to the family of a deceased employee under Section 15.

In the case of an employee receiving

not more than one hundred and fifty rupees per mensum. Two thousand rupees

more than one hundred and fifty rupees but not more than five hundred rupees. Five thousand rupees

more than five hundred rupees but not more than seven hundred and fifty rupees. Ten thousand rupees

more than seven hundred and fifty rupees but not more than one thousand rupees. fifteen thousand rupees.

more than one thousand rupees but not more than one thousand and five hundred rupees. twenty thousand rupees.

more than one thousand and five hundred rupees. Thirty thousand rupees.
THE AZAD JAMMU AND KASHMIR MINERAL AND INDUSTRIAL DEVELOPMENT CORPORATION ACT, 1971

(Act XVII of 1971)

An Act regarding Mineral and Industrial Development Corporation for Azad Jammu and Kashmir;

It is hereby enacted as follows:-

CHAPTER I - PRELIMINARY


(2) It shall extend to the whole of Azad Jammu and Kashmir Territory.

(3) It shall come into force at once.

2. Definitions:- In this Act, unless there is anything repugnant in the subject or context:

(a) 'Board' means the Board of Directors of the Corporation;

(b) 'Chairman' means the Chairman of the Corporation;

(c) 'Corporation' means the Azad Jammu and Kashmir Mineral and Industrial Development Corporation established under Section 3 (1) of the Act;

(d) 'Deputy Commissioner' means the Deputy Commissioner of that area and includes an officer appointed by the corporation for an area to exercise or discharge all or any of the powers or functions of a Deputy Commissioner under this Act;

(e) 'Director' means a Director of the Corporation but does not include an Executive Director;

(f) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(g) 'Land' includes buildings and benefits arising out of land and...
thing attached to the earth or permanently fastened to any
thing attached to the earth;

(h) 'Local authority' means a local authority as established under
law for the time being in force;

(i) 'Minerals' means all minerals excluding mineral necessary
for the generation of nuclear energy and Mineral oil and
natural gas;

(j) 'Prescribed' means prescribed by rule;

(k) 'Project' means a project prepared under this Act;

(l) 'Rules' means rules made under this Act;

(m) 'Scheduled bank' means a bank for the time being included
in the list of banks maintained under sub-section (1) of
Section 37 of the State Bank of Pakistan Act, 1956, (XXXIII
of 1956);

(n) 'Standing order' means a standing order made under this Act.

CHAPTER II
CONSTITUTION OF THE CORPORATION.

3. Establishment of Corporation and its offices:- (1) The
Government shall establish a corporation to be called the Azad
Jammu and Kashmir Mineral and Industrial Development
Corporation.

(2) The Corporation shall be a body corporate, having perpetual
succession, and a common seal with power, subject to the
provisions of this Act to acquire and hold property, both move-
able and immoveable and shall by the said name sue and sued.

(3) The head office of the Corporation shall be at a place in
Azad Jammu and Kashmir territory to be notified by the Govern-
ment in the Government Gazette.

(4) The Corporation may establish regional offices at such
places as Government may direct.

4. Management:- (1) The general direction and determination of
the General policy of the Corporation and its affairs shall vest in
the Board to be appointed by the Government and the Board may
exercise all powers and do all acts and things which may be
exercised or done by the Corporation in accordance with the
provisions of this Act.

(2) The Board in discharging its functions shall act on sound
principles of development and economic planning and shall be
guided on the following matters and other matters of policy by
such directions as the Government may from time to time give,
namely:-

(a) Approval of the Annual Budget, the Annual Development
programme and the five year Development plan;

(b) Sector wise allocation of funds for the projects to be
included in the Annual Development Plan of the Five Year
Plan and other projects,

(c) Selection of areas for implementation of Projects or
Schemes;

(d) Determination of priorities for the execution of approved
projects or schemes;

(e) Sanction for projects or schemes not included in any plan;

(f) appointment of officers of the Corporation;

(g) entering into contracts for execution of projects through any
agency; and

(h) under developed areas shall be given priority.

(3) if any question arises as to whether any matter is a matter of
policy or not the decision of the Government shall be final.

(4) If the Board fails to comply with any directions given to it
under sub-section (2), the Government may remove the Directors
including the Chairman and appoint a person or body of persons
in their place to perform the functions of the Board until a new
Board is constituted under Section 5.

(5) The Legislative Assembly of Azad Jammu and Kashmir will
be informed of the progress of work of the Corporation by the
Government periodically, but at least once a year.

5. **Board of Directors:**

   (1) The Government shall appoint a Board of Directors consisting of the following:

   (a) A Chairman, who shall be a whole time officer of the Corporation.

   (b) Such other persons, technically qualified whose number shall not be less than three and not more than five, as the Government may deem fit:

   Provided that when a member so appointed also holds an office under the Government his status shall not be lower than that of a Secretary to the Government.

   (2) The Chairman and the other Directors shall hold office during the pleasure of the Government and, unless sooner removed the Chairman and the Directors referred in clause (e) of sub-section (1) shall hold office for a period of three years and may be appointed thereafter for a further term or terms of such duration as Government may determine.

   (3) The meetings of the Board shall be convened by the Chairman as and when necessary or required by the Government or requested in writing by not less than two of the Directors and shall be held at such time and place as may be fixed by the Chairman.

   (4) No act or proceedings of the Board shall be invalid on the ground of the existence of any vacancy in, or defect in the constitution of the Board.

   (5) The Chairman or any other Director may at any time resign his office by writing under his hand addressed to the Government:

   Provided that no resignation shall take effect until, it is accepted by Government.

6. **Remuneration and other conditions of service of Chairman:**

   The Chairman shall receive such salary and allowance and shall be subject to such conditions of service as Government may determine.
7. **Dis-qualification of Directors:-** No person shall be or shall continue to be Director who:

(a) is or, at any time, has been convicted of an offence involving moral turpitude; or

(b) is or, at any time, has been adjudicated insolvent; or

(c) is found to be a lunatic or becomes of unsound mind; or

(d) is a minor; or

(e) has a financial interest in any scheme or has any interests directly or indirectly, which is in conflict with the interest of the Corporation; or

(f) at any time has been removed or dismissed from Government service.

8. **Powers and functions of Chairman and Directors:-** The Chairman and other Directors shall exercise such powers and perform such functions as are assigned to them by or under the Act.

CHAPTER III
FUNCTIONS AND POWERS OF THE CORPORATION

9. **Functions of the Corporation:-** The following shall be the functions of the Corporation, namely:

(a) Assessment of the potentialities for economic development of Azad Jammu and Kashmir;

(b) investigation and preparation of survey and feasibility reports in relation to development projects;

(c) Investigation and preparation of survey and feasibility reports about mineral deposits and arrangement of exploitation of deposits on a commercial basis by the public and semi-public Sector, where necessary;

(d) Preparation and execution of development programme, projects and schemes relating to medium and large scale industry and exploitation of mineral resources and activities ancillary thereto;
(e) Determination of the agency or agencies to whom the execution of development projects may be entrusted;

(f) Establishment of industries either by itself or by any institution or organization set up by it;

(g) Taking over, execution and management of such projects and schemes and training institutions as may be transferred to it by Government; and

(h) Such other functions as it may be directed by Government to perform.

10. **Powers of Corporation:**

   (1) Subject to other provisions of this Act the Corporation may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Act.

   (2) Without prejudice to the generality of the powers conferred by sub-section (1), the Corporation may:

   (a) undertake any work in pursuance of any approved project or scheme;

   (b) procure plant, machinery, instruments and materials required for its use and dispose of such of them as are no longer required by it;

   (c) incur any expenditure in connection with the discharge of its functions;

   (d) enter into and perform all such contracts as may be necessary for the purposes of this Act;

   (e) transfer by sale or otherwise any industrial Unit or project established by it to any person on such terms as may be agreed upon between the Corporation and such person;

       Provided that no such transfer shall be made without prior approval of Government;

   (f) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches undertaken by any other organization or person at the
instance of the Corporation;

(g) issue, in respect of areas for which a development scheme is under preparation, interim orders restricting or prohibiting any change in the use of land or alteration of buildings, structures or installations;

(h) cause any works obstructing the execution of any scheme to be removed;

(i) seek and obtain from any agency or local authority advice and assistance for the preparation or execution of any scheme; or

(j) with the previous sanction of Government, impose development fee, water rate or any other fee or charge to meet the expenses incurred by the Corporation in the performance of its functions or on the provision of any benefits of services.

(3) Any local authority or agency whose advice or assistance is sought by the Corporation under sub-section (2) shall give the advice and assistance to the best of its ability, knowledge and judgment, and the additional expenditure if any, involved in giving such advice or assistance shall be allocated and borne in accordance with such terms as may be agreed upon between the local authority or agency and the Corporation.

(4) The Corporation may sanction Individual schemes relating to medium and large scale Industries costing less than twenty five lakh rupees nonrecurring and less than five lakh rupees recurring which are part of the five year plan and for the execution of which funds are available in the sanctioned budget of the Corporation.

(5) To assist it in the preparation, execution and evaluation of schemes the Corporation may have such Advisory Committees comprising of non-officials as it may deem fit.

11. Borrowing Powers.- (1) The Corporation may, with the previous approval in writing of the Government, raise funds for carrying out its functions by issuing bonds and debentures carrying interest at such rates as may be approved by Government.

(2) The repayment of the Principal and the payment of interest
due on the bonds and debentures issued by the Corporation shall be guaranteed by Government.

(3) The Corporation may, with the sanction of, and on such terms and conditions as may be approved by the Government, borrow in foreign currency from the international Bank for Reconstruction and Development, Asian Development Bank, or from any other sources money required for the purposes of this regulation.

12. **Execution of projects or Schemes through local authorities, and agencies:**— (1) The Corporation may enter into any arrangement with a local authority or any appropriate agency:

(a) for the execution of a project on behalf of the Corporation; and

(b) for the taking over and maintenance of any of the works and services on behalf of the Corporation;

(2) The expenditure incurred on the execution of any project or on the taking over or maintenance of any work under subsection (1) shall be apportioned between the Corporation and the local authority or agency in such manner as they may agree upon.

13. **Amendment of Projects or Schemes:**— Any projects or schemes prepared under Section 9 may at any time be amended or modified:

(a) in case where the amended or modified projects or schemes exceed the financial powers of the Corporation, with the/previous approval in writing of the Government;

(b) in other cases,—by the Corporation.

14. **Power to acquire land:**— The Deputy Commissioner, if and when required by the Corporation in writing, shall acquire any land under the Land Acquisition Act for the purposes of this Act.

    The Corporation may appoint one of its officers to be Collector for the purposes of acquisition of land. The Collector so appointed shall be deemed to be a Collector appointed under the Land Acquisition Act.

15. **Withdrawal of the Corporation from a Project Area:**— After
completion of a project or scheme, or at any other stage, Government may permit or require the Corporation to withdraw from the area of such Project or scheme and to make over the further operation and maintenance of the project or scheme to a body set up for the purpose by Government.

16. Financial participation of local population: The Corporation shall, as far as possible, invite people living in the area to participate financially in the industrial projects or schemes or in the schemes sponsored for mineral development or any other scheme forming part of development.

CHAFFER IV
ESTABLISHMENT

17. Appointment and terms and conditions of service of Executive Directors: To assist the Chairman in the performance of his functions, the Board shall, with the prior approval of Government, appoint three Executive Directors, namely the Executive Director (Technical), the Executive Director (Administration) and the Executive Director (Finance), on such terms and conditions as may be determined by Government.

18. Appointment of other officers and servants etc: Subject to the provisions of clause (f) of sub-section (2) of Section 4, the Corporation may, from time to time, appoint such officers, servants, experts and consultants as it may consider necessary for the performance of its functions;

Provided that, in case of urgency the Chairman may, for a period not exceeding three months, appoint such officers, servants, experts or consultants as he deems fit and shall report every appointment so made to the Government within fifteen days.

19. Recruitment, conditions of service and disciplinary powers: The Corporation shall prescribe by standing orders procedure for the appointment of its officers, other than Executive Directors, servants, experts and consultants, and the terms and conditions of their service including disciplinary powers and the constitution and management of a provident fund for them.

20. Delegation of Powers to Chairman etc: The Corporation may by general or special order, delegate to the Chairman or a
Director, or as officer of the Corporation, any of its powers or functions under the act, subject to such conditions as it may think fit to impose.

CHAPTER V
FINANCE

21. **Funds:** (1) The Corporation may request and receive from the Government a grant-in-aid with an initial non-lapseable fund of such amount on such conditions as the Government deems fit.

(2) There shall be formed a fund to be known as the Azad Jammu and Kashmir Mineral and Industrial Development Corporation Fund which shall vest in the Corporation and shall be utilized by the Corporation to meet charges in connection with its functions under this Act including the; payment of salaries and other remuneration to the Chairman, Director, officers, servants, experts and consultants of the Corporation.

(3) To the credit of the Azad Jammu and Kashmir Mineral and Industrial Development Corporation Fund shall be placed:

(a) grants made by the Government or by the Government of Pakistan.

(b) loans obtained from the Government or from the Government of Pakistan.

(c) Sale proceeds of bonds or debentures issued under the authority of the Government.

(d) loans obtained with the special or general sanction of the Government.

(e) Foreign aid and loans obtained with the sanction of the Government.

(f) All other sums receivable by the Corporation.

22. **Limited Liability:** The liability of the Government to the creditors of the Corporation shall be limited to the extent of grants made by the Government and the loans raised by the Corporation with the sanction of the Government.

23. **Budget:** (1) In accordance with the time schedule to be laid
down by Government from time to time each year, the Corporation shall submit to the Government for approval in such form as may be prescribed by it a statement of the estimated receipts and expenditure in rupees in respect of the next financial year.

(2) In the manner prescribed by the Government, the Corporation shall, before the commencement of a financial year, also submit to the Government for approval a statement of the estimated receipts and expenditure in foreign exchange in respect of that financial year.

24. **Maintenance of accounts:** The Corporation shall maintain complete and accurate books of accounts in such forms as may be prescribed by it;

Subject to the above separable accounts shall be maintained for all its projects, schemes and transactions.

25. **Audit:**

(1) The accounts of the Corporation shall be audited every year by the Auditor General of Azad Jammu and Kashmir on behalf of Government.

(2) The auditor General shall send three copies of the Audit report to the Corporation which shall forward two copies thereof with its comments to the Government.

(3) The Corporation shall comply with such directions as the Government may give for the rectification of any matter objected to in audit.

(4) A copy of the audit report shall be open to public inspection at the office of the Corporation.

(5) Nothing in sub-section (1) shall prevent the Corporation from appointing a competent auditor for the purpose of carrying out internal audit.

26. **Submission of yearly reports and returns:** The Corporation shall submit to the Government, as soon as possible after the end of every financial year but before the last day of December next following, a report on the conduct of its affairs for that year.

(2) The Corporation shall, if so required by Government furnishes the Government with:
27. **Powers to make rules:**

(1) The Corporation with the approval of Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for:

(a) the relinquishment of managing agency in favour of any person;

(b) the manner of keeping accounts of the Corporation and the companies managed by it;

(c) the recruitment of officers, adviser and employees of the Corporation;

(d) the terms and conditions of the officers, and employees of the Corporation, including the functions of the advisers;

(e) the borrowings by the Corporation;

(f) the purchase and sale of goods by the Corporation;

(g) the date by which, the form in which, the annual budget statement shall be submitted in each year;

(h) the procedure for appropriation and re-appropriation of money at the credit of the Corporation;

(i) the form and manner in which and the authorities to whom returns, reports or statements shall be submitted; and

(j) such other matters relating to the administration of the affairs of the Corporation as the Government may think fit to regulate by rules.
28. **Powers to make standing orders:** (1) The Board may make standing orders to provide for all matters, not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Act and the said rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such standing orders may provide for the:

(a) meetings of the Board; and

(b) investment of the Corporation's funds.

29. **Dissolution of Corporation:** (1) The Government may, by notification in the Government Gazette, declare that the Corporation shall be dissolved on such date as may be specified in such notification, and the Corporation shall stand dissolved accordingly.

(2) Upon the dissolution of the Corporation under sub-section (1):

(a) all properties and funds placed at the disposal of the Corporation by Government of Pakistan and all properties, funds and dues exchanged or derived from, or otherwise attributable to the said properties and funds, which immediately before the dissolution were vested in or were recoverable by the Corporation shall vest in or be held or be recoverable by the Government or by Government of Pakistan as the case may be;

(b) all properties, funds and dues other than those referred to in clause (a), which immediately before the dissolution, were vested in or were recoverable by the Corporation shall vest in and be recoverable by such agency as may be determined by the Government whose decision shall be final;

(c) the debt and liabilities incurred, obligations undertaken, contracts entered into and agreements made by or with the Corporation shall stand transferred to, and be deemed to have been incurred, undertaken, entered into or made by or with the Government or such agency as may be determined by Government whose decision shall be final;

(d) Government or such agency as it may decide may execute any project or scheme undertaken by the Corporation the
execution of which has not been fully completed before its dissolution and Government or the agency shall, for the purpose of execution of that project or scheme, exercise the powers and perform the functions of the Corporation under this Act.

(3) An agency referred to in clause (b), (c) and (d) of sub-section (2) shall keep such accounts and records in respect of any property vested in, or any dues recovered or any scheme executed by it in such manner as Government may direct.
THE AZAD JAMMU AND KASHMIR GOVERNMENT,
(SECOND AMENDMENT) ACT, 1971.

(Act XXII of 1971)

(An Act to amend the Azad Jammu and Kashmir Government
Act, 1970)

Whereas it is expedient to further amend the Azad Jammu and
Kashmir Government Act, 1970, for the purposes hereinafter appearing ;

It is hereby enacted as follows :-

1. **Short title and commencement.**-(1) This Act may be called the
Azad Jammu and Kashmir Government (Second Amendment)

(2) It shall come into force at once.

2. **Addition of Section 36, Section 37 and Section 38 in the Azad
the said Act) After Section 35, the following new sections shall
be added, namely :-

"Section 36: Power of Proclamation:- (1) If the President is
satisfied that grave emergency exists in which the security of
Azad Jammu and Kashmir Territory is threatened by war or
external aggression or by internal disturbance, he may issue a
proclamation of emergency.

(2) A proclamation shall be laid before the legislative Assembly
as soon as conditions make it practicable for the President to
summon that Assembly, and if approved by the Assembly, shall
remain in force until it is revoked or if disapproved, shall cease
to operate from the date of disapproval.

(3) A proclamation declaring that the security of Azad Jammu
and Kashmir Territory is threatened by war or external aggress-
ion may be made before the actual occurrence of war or any
other aggression if the President is satisfied that there is
imminent danger thereof.

Section 37. (1) While a proclamation issued under Section 36 is
in operation, the President may, by order, declare that right to move any Court for the enforcement of such of the rights conferred under Section 25-A sub-section (2) clause (b) and Section 25-B, as may be specified in the order, and all such proceedings pending in any Court for the enforcement of the rights so specified, shall remain suspended for the period during which the proclamation is in force.

(2) Every order made under section 37 shall, as soon as may be laid before the Assembly.

**Section 38.** (1) The proclamation issued under Section 36 may be varied or revoked by a subsequent proclamation.

(2) The validity of proclamation issued or order made under Section 36, Section 37 and Section 38 shall not be questioned in any Court.

THE AZAD JAMMU AND KASHMIR LAND REFORMS (AMENDMENT) ORDINANCE, 1971.

(Ordinance I of 1971)

(Passed under Government Order No. 514-614/SL/71
Dated the 20th January, 1971).

An Ordinance to amend the Azad Jammu and Kashmir land Reforms Act, 1960

WHEREAS an emergency has arisen which renders it necessary to immediately amend the Azad Jammu and Kashmir Land Reforms Act, 1960 (V of 1960), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1971, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement:- (1) This Ordinance may be called the Azad Jammu and Kashmir Land Reforms (Amendment) Ordinance, 1971.

(2) It shall come into force at once and shall be deemed to have taken effect on the 3rd day of August, 1960.


(1) in sub-section (2):
in clause (c) for the words "of the commencement of this Act" the words "on which he is informed by the competent revenue officer of the amount of compensation as determined under sub-section (6) payable by him" shall be substituted and shall be deemed always to have been so substituted;

(2) in sub-section (4), the words "of one year as" shall be omitted and shall be deemed always to have been omitted.

(3) In sub-section (5), for the words "of the commencement of this Act" the words "on which he is informed by the competent revenue officer of the amount of compensation as determined under sub-section (6) payable by him" shall be substituted and
shall be deemed always to have been so substituted.

(4) in sub-section (6), for the words "shall be paid" the words "shall be determined by the competent revenue officer and shall be paid" shall be substituted and shall be deemed always to have been so substituted.

3. **Validation:-** Notwithstanding anything contained in section 25 of the said Act, any amount of compensation paid by a tenant to the landlord after the expiry of the period specified for the purpose in that section but within the period, purporting to have been provided in the Land Commission's Notification No. DLR/3/142-46/60 dated the 3rd August, 1960, shall be deemed to have been validly paid in accordance with the provisions, of that section and the said Notification shall be deemed to have been validly issued as if the power to issue such Notification were available under that Act, and any order, judgment or decree of any court declaring the said Notification to be void and ultra vires shall be of no effect and shall be deemed never to have been made or passed.

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(Ordinance III of 1971)


An Ordinance to amend the Pakistan (Administration of Evacuee Property) Act, 1957

Whereas it is expedient to amend the Pakistan Administration of Evacuee property Act, 1957, in a manner hereinafter appearing;

And whereas an emergency has arisen which renders it necessary to immediately amend the Pakistan Administration of Evacuee property Act, 1957;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970, the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:**— (1) This Ordinance may be called the Azad Jammu and Kashmir Administration of Evacuee property Act (Amendment) Ordinance, 1971.

   (2) It shall come into force at once.

2. **Amendment of Section 25, Act XII of 1957:**— In the Pakistan (Administration of Evacuee Property) Act, 1957, in Section 25 after sub-clause (z) of sub-section (2) the following sub-clause (aa) shall be added, namely:-

   "(aa) make payments, out of moneys held by him, for Rehabilitation of the displaced persons."

(Ordinance VIII of 1971)

An Ordinance to prohibit the transfer and alienation of Shamlat Deh land.

Whereas it is expedient to prohibit the alienation and sale of Shamlat Deh land; and

Whereas the Legislative Assembly is not in session and the President is satisfied that the circumstances exist and the emergency has arisen which render, immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement:- (1) This Ordinance may be called the Azad Jammu and Kashmir Prohibition of Shamlat Deh Ordinance, 1971.

(2) It shall extend to the whole of Azad Jammu and Kashmir Territory.

(3) It shall come into force at once.

2. Definition:- In this Ordinance, unless there is anything repugnant in the subject or context,-

(i) 'Shamlat Deh land' means the land which is entered in the Revenue record as Shamlat Deh or which may be entered at any future date under any law regarding grant of Shamlat land;

(ii) 'Old land owner' means a person who was land owner before the enforcement of Land Reforms Act, 1960;

(iii) 'new land owner' mean's as occupancy tenant who acquired propriety rights under Land Reforms Act, 1960.

3. Any old or new land owner shall not be dispossessed of Shamlat
Deh land which is in his possession at the commencement of this Ordinance.

4. Any transaction or transfer of Shamlat Deh land effected after First May, 1971 by any, old or new land owner shall be void.

5. No mutation shall be made in revenue record in respect to such void transfer and if any mutation has already been made the same shall be annulled or deemed to be annulled.

6. Any transfer deed in respect of Shamlat land shall not be registered and any transfer deed so registered shall be deemed to be void.
THE ADMINISTRATION OF EVACUEE PROPERTY
(AMENDMENT) ORDINANCE, 1971
(Ordinance XVIII of 1971)

An Ordinance to amend the Pakistan Administration of Evacuee Property Act, 1957, as in force in Azad Jammu and Kashmir Territory.

Whereas doubts have arisen about the interpretation and the definition of 'evacuee' and 'evacuee property' as contained in Section 2 of the Pakistan Administration of Evacuee Property Act, 1957, about the Status of a person leaving Azad Jammu and Kashmir Territory for Pakistan or residing in Pakistan after the War of Liberation of 1947;

And whereas it is expedient to remove such doubts in order to save such person from being treated as evacuee and his property as evacuee property;

And whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist and the emergency has arisen which render immediate legislation necessary;

Now, therefore, in exercise of the powers vested in him under Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all other powers enabling him in this behalf, the President is pleased to make and promulgate the following ordinance:-

1. Short title and Commencement:- (1) This Ordinance may be called the Pakistan Administration of Evacuee property (Amendment) Ordinance, 1971.

(2) It shall come into force at once.

2. Amendment of Section 2 of Act, XII of 1957:- In the Pakistan Administration of Evacuee Property Act, 1957, as adopted in Azad Kashmir (hereinafter called the said Act), after clause (e) of sub-section (2) of Section 2 the following new sub-clause (f) shall be added:

"(f) Notwithstanding anything contained in Section 2 a person is not an evacuee who has left Azad Jammu and Kashmir territory for Pakistan and is residing or has settled at any place in Pakistan after or as a result of the War of Liberation of 1947."
3. Addition of sub-section (6-A) after sub-section (6) of Section 43. After sub-section (6) of Section 43 of the said Act, the following new sub-section (6-A) shall be added, namely: -

"(6-A) The Custodian or Additional Custodian on application made to him in this behalf at any time or of his own motion after giving notice to the parties concerned may review his own order or judgment or an order or judgment passed by his predecessor-in-office so as to bring the order or judgment in conformity with amendment made in Section 2 of the said Act and the purpose for which it has been made."

4. The amendments in Section 2 and Section 43 shall be deemed to have been in force since the date of coming into force of the Pakistan administration of Evacuee property Act, 1957.
THE AZAD JAMMU AND KASHMIR FINANCE ORDINANCE, 1971

(ORDINANCE XIX OF 1971)

Whereas it is expedient to make provision to give effect to the financial proposals of the Azad Government of the State of Jammu and Kashmir and to amend certain laws for the purposes hereinafter appearing; and

Whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist and the emergency has arisen which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:

1. **Short title extent and commencement:**
   (1) This Ordinance may be called the Azad Jammu and Kashmir Finance Ordinance, 1971.

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

   (3) This Ordinance shall consist of Part "A" and Part "B". Part "A" shall come into force from 1st day of July, 1971 while Part "B" shall come into force with immediate effect, and all orders, Notifications made in consistent with the provisions of this Ordinance shall be deemed to have been made under this Ordinance and shall continue in force.

   **PART "A"

2. The following amendments shall be made in the Income-tax Act, 1922 (XI of 1922), namely:

   (1) In section 2:

   (a) clause (6AA) shall be omitted; and

   (b) in clause (6C), the words and commas "and in the case of a company, the amount by which its free reserves exceed the paid-up ordinary share capital of the company as on the last
day of the previous, year shall be omitted.

(2) In section 4:

(a) in sub-section (1), Explanation 5 shall be omitted; and

(b) in sub-section (3).

(i) after clause (ix), the following new clause (ixa) shall be inserted, namely:

"(ixa) the income of an investment company registered under the Investment Companies and Investment Advisers Rules, 1971; and

(ii) in clause (xiiiib), for the word "sixty-five" the word "sixty" shall be substituted.

(3) in section 7, in sub-section (1), for the fourth proviso the following shall be substituted namely:

"Provided further that, where the assessee owns and maintains at his own expense a conveyance registered in his own name as a private vehicle and does not receive any conveyance allowance or any other benefit or perquisite in lieu of such allowance the tax shall not be payable, where the conveyance is a motor car, in respect of a sum of one thousand and two hundred rupees, or, where the conveyance is any other power driven vehicle, in respect of sum of three hundred and sixty rupees; and where the assessee does not own or maintain any such vehicle, the tax shall not be payable in respect of sum of two hundred and forty rupees but nothing in this proviso shall apply to an assessee who, in addition to income chargeable under the head "salaries", derives income which is chargeable under the head "business; profession or vocation;"

(4) in section 10:

(a) in sub-section (2).

(i) in clause (vii), after the second proviso, the following new proviso shall be inserted, namely:

"Provided further that, for the purpose of this clause, any such machinery or plant which is exported or
transferred outside Azad Kashmir shall be deemed to have been sold and the sale value of such machinery or plant shall be deemed to be its original cost less all depreciation allowed excepting the further sum referred to in clause (vi): and the business, profession or vocation in which such machinery or plants has been used, shall, for the purposes of sub-section (1) be deemed to be carried on by the assessee in the year in which such export or transfer took place;”.

(ii) in clause (xiva), after the word, "dependents" the words "or on the training of industrial workers" shall be added; and

(iii) in clause (xivb); after the word "dependents" the comma and words, "and any expenditure in the nature of capital expenditure laid out or expended on any institute for the training of industrial workers" shall be inserted; and

(b) in sub-section (4), for clause (d) the following shall be substituted, namely?

“(d) any allowance in respect of so much or the expenditure incurred by all assessee on the provision of perquisites or other benefits to any employee as exceeds thirty percent of the salary of such employee;

Provided that in the case of an employee whose contract of service has been approved under clause (xiii) of sub-section (3) of section 4, this clause shall not apply for a period of five years commencing next after the expiry of three years since the date of his arrival in Azad Kashmir.

Explanation 1: The expression "salary", as used in the clause, means remuneration or compensation for services rendered paid or to be paid at regular intervals and includes dearness, grain, compensation of cost of living allowance and bonus and commission which are payable to an employee in accordance with the terms of his employment as remuneration or compensation for services but does not include the employer's contribution to a recognized provident or superannuation fund or any other sum which does not enter into the competitions for pensionary or retirement benefits.
Explanation 2: The expression "employee", where the
assessee is a company, includes a director thereof; or"

(5) in section 14, for sub-section (4) the following shall be
substituted, namely;

"(4) The tax shall not be payable by an assessee in respect of any
share of income received by him out of capital gains on
which tax has been paid by the firm of which he is a
partner".

(6) in section 15:-

(a) for sub-section (3), the following shall be substituted,
namely: -

"(3) The aggregate of any sums exempted under this section
shall not, together with any sums exempted under the first
proviso to sub-section (1) of Section 7, section 15AA, and
section 15E, section 15CC and section 15 F and any sum
exempted under sub-section (1) of section 58F exceed
twenty per cent of the total income of the assessee or ten
thousand rupees, whichever is the less."

(b) sub-section 3A shall be omitted.

(c) In sub-section (4), the words, brackets, figure and letter "or
sub-section (3A)" twice occurring shall be omitted.

(7) for section 15A the following shall be substituted, namely:-

"15A, Exemption in the case of Salaries. The tax shall not be
payable by an assessee in respect of such portion of his total
income as is chargeable under the head "Salaries"

subject to the following limits, namely:-

where the income chargeable under the head "Salaries" :

(1) Does not exceed twenty
thousand rupees

25 percent of income.

(2) exceeds, twenty thousand
rupees but does not ex-
ceeds twenty five thou-
thousand rupees.

Rs. 5,000/- plus 20
per cent of such
income exceeding Rs.
20,000/-.

80
(3) exceeding twenty five thousand rupees. Rs. 6,000/-.

Provided that the exemption under this section shall not apply in the case of an assessee who is not resident in Azad Kashmir unless the tax payable by him is determined with reference to his total world income under the first proviso to subsection (l) of section 37."

(8) in section 15 BB:-

(a) in sub-section (48), clause (ii) shall be omitted;

(b) after sub-section (4B) the following new Sub-Section (4C) shall be inserted, namely :

"(4C) Nothing contained in sub-section (1) subsection (4) and sub-section (4A) shall apply to the income, profits and gains of any previous year ending at any time after the thirtieth day of June, 1970, and before the first day of July, 1971; and such income profits and gains, computed in accordance with the provisions of sub-section 3 or clause (c) of sub-section (4A), as the case may be, shall be subjected to tax in accordance with the other provisions of this Act:

Provided that, in making an assessment for the year for which the income, profits and gains of the industrial undertaking become liable to tax for which such income, profits and gains are exempt under the provisions of sub-section (1) sub-section (4) or sub-section (4A), credit shall be given for any income-tax and super-tax paid in respect for the income profits and gains Co which this sub-section applies; and where no income-tax and supertax payable is payable for such year or the amount of the income tax and super tax payable for such year the income-tax super-tax so paid or, as the case may be, the amount so in excess shall be carried forward to the following year;

Provided further, that nothing in this sub-section shall apply to any case where the compilation of such income, profits and gains discloses a loss."

(8) After section 15G, the following new section 15H shall be inserted, namely :-
"15H. personal Allowance. The tax shall not be payable by an assesssee, being an individual, Hindu undivided family, unregistered firm, association of persons or an artificial juridical person, on such portion of his total income as does not exceed one thousand rupees."

(9) in section 17, in sub-section (5) in clause (b):

(a) in sub-clause (i) in paragraph (2), for the word "twenty" the word "twenty five" shall be substituted and

(b) in sub-clause (ii) in paragraph (2):

(i) in sub-paragraph (i) for the word 'seventy' the word "sixty" shall be substituted; and

(ii) in sub-paragraph (ii) for the word "ten" the word "five" shall be substituted.

(10) in section 18, in sub-section (3), after the word "interest on securities", the commas and words, "not being interest payable on debentures issued by or on behalf of a local authority or a company," shall be inserted.

(11) in section 38A,-

(a) in sub-section (1) for the word "deductible" the word "deducted" shall be substituted.

(b) in sub-section (5) for the word "two" the word "four" shall be substituted.

(c) in sub-section (5A), for the word "two" the word "four" shall be substituted.

(12) in section 21, in clause (2) for the words and comma "per-requisite, benefit or amenity" the words, brackets, figures and letters "income in respect of which tax has been deducted or is deductible under sub-section (3B) or (3BB) of section 18" shall be substituted.

(13) for section 23 A the following shall be substituted, namely:

"23A. provisions in respect of undistributed income, (1) where in respect of any previous year a company has not, up to the
period of six months immediately following the expiry of that previous year distributed as dividend or paid as bonus to the shareholders at least sixty per cent of the net income of such previous year, the annual calculated in the manner laid down in sub-section (2) shall be deemed to be the undistributed income of the company for such previous year.

(2) for the purposes of this section:

(a) "net income" shall be the total income as reduced by:

(i) the amount of income-tax and super-tax chargeable on the total income excluding the amount of income-tax chargeable in respect of the undistributed income; and

(ii) any bonus or bonus-shares declared, issued or paid to the shareholders of the company, and included in the total income under the provisions of explanation 4 to sub-section (1) of section 4; and

(b) "undistributed income" shall be the net income as reduced by:

(i) any amount distributed as dividend or paid as bonus to the shareholders; and

(ii) ten percent of the total income.

(14) in section 24, in sub-section (2D), in the proviso for the word "ten" wherever occurring the word "five" shall be substituted.

(15) in section 30:

(a) in sub-section (1):

(i) the words, commas, brackets, figures and letters "and any assessee, being a company, objecting to an order made by an Income Tax officer under sub-section (1) of section 23A," shall be omitted;

(ii) the second and 4th provisos shall be omitted,

(b) in sub-section (2):
(i) the words, brackets, figures and letter "subsection (3) of section 23A or under" shall be omitted;

(ii) the proviso shall be omitted;

(16) in section 35:

(a) sub-section 7 shall be omitted; and

(b) for sub-section (8) the following shall be substituted, namely:-

"(8) Whereas a result of proceedings initiated under sub-section (1) of section 34, a firm or an association of persons is assessed or re-assessed, and the Income-Tax Officer concerned is of opinion that it is necessary to compute or re-compute the total income of a partner in the firm or a member of the association of persons, as the case may be, the Income Tax Officer may proceed to compute or re-compute the total income and determine the sum payable on the basis of such computation or recomputation as if the computation or recomputation is a rectification of a mistake apparent from the record within the meaning of this section, and the provisions of sub-section (1) shall apply accordingly the period four years specified therein being reckoned from the date of the final order passed in the case of the firm or association of persons, as the case may be."

(17) in section 43A, after the figure "64" the words, figure and letter "and section 46A" shall be inserted.

(18) in section 44D, in sub-section (7), clause (c) shall be omitted.

(19) in Section 54, in sub-section (3)

in clause (0), for the full stop at the end the semi colon and word "or" shall be inserted.

(20) in section 66:

(a) in sub-section (1):

(i) for the words and the commas and the colon "require the
Appellate Tribunal to refer to the High Court any question of Law arising out of such order, and the Appellate Tribunal shall within ninety days of the receipt of such application draw up a statement of the case and refer it to the High Court" the words and the fullstop "refer to the High Court any question of Law arising out of such order," shall be substituted;

(ii) the proviso shall be omitted.

(b) for sub-section (2), (3), (3A) and (4), the following shall be substituted, namely:

"(2) An application under sub-section (1) shall be in triplicate and shall be accompanied by the following documents, and where any such document is in any language other than English, also by a translation thereof in English, namely.

(a) Certified copy, in triplicate, of the order of the Appellate Tribunal out of which the question of Law has arisen;

(b) Certified copy, in triplicate, of the order of Income Tax Officer or the Inspecting Assistant Commissioner as the case may be which was the subject matter of appeal before the Appellate Tribunal; and

(c) Certified copy, in triplicate, of any other document the contents of which are relevant to the question of Law formulated in the application and which was produced before the Income Tax Officer, the Inspecting Assistant Commissioner or of the Appellate Tribunal, as the case may be, in the course of any proceedings relating to any order referred to in clause (a) or clause (b).

(3) Where the assessee is the applicant, the Commissioner shall be made a respondent, and where the Commissioner is the applicant the assessee shall be made a respondent;

Provided that where an assessee dies or is adjudicated insolvent or is succeeded by another person or is a
company which is being wound up, the application shall not abate and may, if the assessee was the applicant, be continued by, and if he was the respondent, be continued against the executor, administrator of successor or other legal representative of the assessee, or by or against the Liquidator or receiver, as the case may be.

(4) In respect of cases referred to in sub-section (5) of section 5 where the Inspecting Assistant Commissioner performs the functions of an Income Tax officer, reference in this section to Commissioner shall be construed as reference to the Central Board of Revenue.

(4A) On receipt of the notice of the date of hearing of the applications the respondent shall, at least seven days before the date of hearing, submit in writing a reply in the application; and he shall therein specifically admit or deny whether the question of law formulated by the applicant arises out of the order of the appellate Tribunal. If the question formulated by the applicant is in the opinion of the respondent, defective, the reply shall state in what particular the question is defective and what is the exact question of law, if any, which arises out of the said order; and the reply shall be in triplicate and be accompanied by any documents, (alongwith a translation in English of these of such documents as are not in English) which are relevant to the question of law formulated in the application and which where produced before the Income Tax Officer, the inspecting Assistant Commissioner or the Appellate Tribunal, as the case may be, in the course of any proceedings relating to any order referred to in clause (a) or clause (b) of subsection (1),"

(c) In Sub-section 5 for the words, "such case" the words "such application" shall be substituted.

(d) in sub-section (7A), the words, brackets and figures; "or sub-section (2) or sub-section, (3)" shall be omitted, and

(e) after sub-section (7A), amended as aforesaid, the following new sub-section (8) shall be added, namely: -
"(8) Any application made to the Appellate Tribunal or any question of law referred to the High Court by the Appellate Tribunal before the first day of July, 1971 shall be disposed of by the Appellate Tribunal or the High Court, as the case may be, as if the Finance Ordinance, 1971 had not come into force "

(21) In the First Schedule:

(A) in rule 2, after the words "life insurance business", the commas and words "other than pension and annuity business" shall be inserted;

(B) after rule 2 amended aforesaid, the following new rule 2A shall be inserted, namely:

"2A. the profits and gains of pension and annuity business shall be taken to be the annual average of the surplus computed in the manner laid down in clause (b) of rule 2A;

(C) in rule 3,-

(1) the words and figure "for the purpose of rule 3" shall be omitted; and

(2) in clause (a):
  (a) for the words and colon "three-fourth of the amounts paid to or received for or expended on behalf of policy holders shall be allowed as a deduction" the following shall be substituted namely:- "Under clause (b) of rule 2, of the purpose of life insurance business three fourth of the amounts paid to or reserved for or expended on behalf of policy holders shall be allowed as a deduction, and under rule 2A, the amounts paid to or reserved for or expended on behalf of the members of an approved superannuation fund shall be allowed as a deduction."

(D) in second proviso:

(i) after the word "policy holders" wherever occurring, the word and commas "or members of an approved superannuation fund as the case may be," shall be inserted.
(ii) after the words, "such amount" the words "or the entire amount" shall be inserted.

(d) in rule 5,-

(1) in clause (vi) for the full stop at the end a semi-colon shall be substituted; and

(2) after clause (vi) amended as aforesaid, the following new clause (vii) shall be added, namely :-

"(vii) "pension and annuity business means any life insurance business relating to a contract with the trustees of an approved superannuation fund, where such contract is:

(a) entered into only for the purposes of such fund, and

(b) so framed that the liabilities undertaken thereunder by the person carrying on the insurance business correspond with the liabilities against which the contract is intended to secure such fund."

Sd/-

Finance Secretary.
SCHEDULE
PART - I
RATE OF INCOME TAX

A. In the case of every individual Hindu undivided family, unregistered firm, an association of persons and every artificial juridical person referred to in clause (9) of section 2 of the Income-tax Act, 1922 (XI of 1922), not being a case to which paragraph B of this part applies :-

<table>
<thead>
<tr>
<th>Rate of Income Tax</th>
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</thead>
<tbody>
<tr>
<td><strong>1.</strong> Where the taxable income does not exceed Rs. 1,000.</td>
</tr>
<tr>
<td><strong>2.</strong> Where the taxable income exceeds Rs. 2,000 but does not exceed Rs. 2,000.</td>
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<tr>
<td><strong>3.</strong> Where the taxable income exceeds Rs. 2,000 but does not exceed Rs. 4,000.</td>
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<td><strong>4.</strong> Where the taxable income exceeds Rs. 4,000 but does not exceed Rs. 6,000.</td>
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<td><strong>5.</strong> Where the taxable income exceeds Rs. 6,500 but does not exceed Rs. 10,000.</td>
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<tr>
<td><strong>6.</strong> Where the taxable income exceeds Rs. 10,000 but does not exceed Rs. 35,000.</td>
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<tr>
<td><strong>7.</strong> Where the taxable income exceeds Rs. 15,000 but does not exceed Rs. 25,000.</td>
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<tr>
<td><strong>8.</strong> Where the taxable income exceeds Rs. 25,000 but does not exceed Rs. 35,000.</td>
</tr>
<tr>
<td><strong>9.</strong> Where the taxable income exceeds Rs. 35,000.</td>
</tr>
</tbody>
</table>
10. Where the taxable income of Rs. 20,100 plus 65 percent the amount exceeding Rs. 50,000.

11. Where the taxable income of Rs. 33,350 plus 67 percent the amount exceeding Rs. 70,000.

12. Where the taxable income of Rs. 53,350 plus 70 percent the amount exceeding Rs. 100,000.

Provided that:

(i) no income-tax shall be payable on a total income which before the deduction of the sums, if any, exempt under the first, third and fourth provisos to sub-section (1) of section 7, section 15, section 15A, section 15AA, section 15C, section 15ee, section 15D, section 15E, section 15F, section 15H and section 58F of the Income-tax Act, 1922 (XI of 1922) does not exceed Rs. 6,000; and

(ii) the income-tax payable shall in no case exceed (a) the amount by which the total income exceeds Rs. 6,000 or (b) the amount representing seventy per cent of the total income, whichever amount is the less, and, where such income includes any income from a share of the income, profits and gains of a firm to which paragraph C of part II applies, such portion of the super-tax payable under the said paragraph as bears to the total amount of super-tax the same proportion as his share of income, profits and gains of the total income of the firm shall be added to the income tax payable by such partner under, this paragraph and, if the sum so arrived at exceeds seventy percent of the total income of such partner (including his share of income, profits and gains of the firm), the amount of income-tax payable by him under this paragraph shall be reduced by the amount of such excess.

Explanation: The expression "taxable Income", as used in this paragraph means:

(a) in the case of an assessee to which sub-section (3) of
section 9 or clause (a) of sub-section (1) of section 17 of the Income-Tax Act, 1922 (XI of 1922) applies, the total income.

(b) in any other case, the total income of an assessee as diminished by the allowance admissible under the first, third and fourth provisions to sub-section (1) of section 7, section 15, section 15A, section 15AA, section 15C, section 15CC, section 15D, section 15E, section 15F, section 15H, and section 58F of the Income-Tax Act, 1922 (XI of 1922).

B. In the case of every company to which paragraph C or paragraph D does not apply, and in the case of every local authority and in every case in which under the provisions of the Income-tax Act, 1922 (XI of 1922) income-tax is to be charged at the maximum rate:

On the total income, excluding such part thereof that consists of any dividends, bonus or bonus shares to which sub-paragraph (2) or (3) of paragraph A of Part II applies.

RATES
30 percent of such income.

C. In the case of every public company to which section 23A of the Income Tax Act, 1922 (XI of 1922) applies:

(1) On the total income excluding such part thereof as consists of any dividends, bonus or bonus shares to which sub-paragraph (2) or (3) of paragraph A of Part II applies but including such part of the total income as is equal to the undistributed income of such company.

30 percent of such income.

(2) On such part of the total income as represents the undistributed income of such company.

15 percent of such income.

D. In the case of every company, not being a public company to which section 23A of the income-tax Act, 1922... (XI, of 1922) applies:

(1) On the total income, excluding such part thereof as dividends, bonus consists of any shares to which sub-

30 percent of such income.
paragraph (2) or (3) of paragraph A of Part II applies but including such part of the total income as represents the undistributed income of such company.

(2) On such part of the total income as represents the undistributed income of such company.

25 percent of such income.

E. In the case of every company --- Nil

On the part of the total income consisting of the amount of dividends, bonus or bonus shares to which sub-paragraph (2) or (3) of paragraph A of Part II applies.

Provided that, for the purposes of paragraphs B, C and D, where a company distributes dividends out of its income, profits and gains in respect of which it has obtained a rebate of one anna in the rupee under the proviso to paragraph B of Part I of the Fourth Schedule to the Finance Act, 1958 (XXII of 1958), the Third Schedule to the Finance Act 1957 (I of 3957), the Third Schedule to the Finance (1955-56), Act, 1950 (XXX of 1956), an additional Income-tax at the rate of 6.25 percent shall be levied on the amount of such dividend and such amount shall be deemed for the purposes of this proviso to be a part of the total income of the company of the year in which such distribution is made.

Explanation:- For the purposes of paragraph C and D the expression "Un-distributed income" means the amount of undistributed income computed in accordance with the provisions of section 25-A of the Income-tax Act, 1922 (XI of 1922).
PART-II
RATES OF SUPER-TAX

A. In the case of a company --

Rates

(1) On the whole of the total income excluding income to which paragraph E of Part I applies.

Provided that where a company, in respect of the profits and gains liable to tax under the Income-tax Act, 1922 (XI of 1922), has made such effective arrangements as may be prescribed by the Central Board of Revenue in this behalf for the declaration and payment in Azad Kashmir of dividends payable out of such profits and gains and for the deduction of tax from such dividends, rebate shall be allowed as follows.

(i) a rebate of 5 percent to such company if it is a public company.

(ii) a rebate of 5 percent to such company if it is a public company to which clause (iii) does not apply, if its paid-up capital plus free reserves as on the last day of the previous year does not exceed Rs. 5,00,000.

(iii) a rebate of 5 percent on so much of the income, profits and gains of such company, being a public company, as are derived by it from an industrial undertaking if its paid-up capital plus free reserves as on the last day of the previous year does not exceed Rs. 10,00,000.

(iv) a rebate of 10 percent to such company in respect of its income, profits and gains to which sub-section (9) of section 10 of the Income tax Act, 1922 (XI of 1922), applies or which are derived by it in Azad Kashmir from processing freezing, preserving and canning of food, vegetable, fruit grain, meat, fish and poultry.

(v) a rebate of 15 percent to such company on so much of the income, profits and gains occurring or arising outside Azad Kashmir to which sub-section (4) of section 9 does not apply as are brought by it into Azad Kashmir.
Explanation.- The term "industrial undertaking", as used in clause (iii) means an undertaking which is set up or commenced in Azad Kashmir on or after the 14 day of August 1947, and which employs (i) ten or more persons in Azad Kashmir and involves the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency or (ii) twenty or more persons in Azad Kashmir and does not involve the use of electrical energy or any other force of energy which is mechanically transmitted and is not form of energy which is mechanically transmitted and is not generated by human or animal agency and which is:

(i) engaged in:

(a) the manufacture of goods or materials or the subjection of goods or materials to a process, which substantially changes their original conditions;

(b) generation, transformation, conversion, transmission or distribution of electrical energy, or the supply of hydraulic power;

(c) The working of any mine, oil well or other source of mineral deposits not being an undertaking" to which the second and Third Schedules to the Income-tax Act, 1922 (XI of 1922) apply;

(ii) any other industrial undertaking which may be approved by the Central Board of Revenue for the purposes of this clause;

(2) On the amount representing income from dividends from a company having its registered office in Azad Kashmir —

(a) Where such dividends are received by a company from a subsidiary company set up in the wing other than wing in which the holding company has its registered office and carries on business.
(b) Where such dividends are received by a public company which clause (a) does not apply and are declared and paid by a company formed or registered in Jammu and Kashmir under the Companies Act, 1913 (VII of 1913) or a body corporate formed in pursuance of a Central Act, in respect of share capital issued, subscribed and paid after the 14th day of August, 1947.
(c) In other cases........   20 percent of such amount.

Explanation.- For the purposes of clause (a), a company shall be deemed to be a subsidiary of another company if that other company, holds more than 50 percent of the face value of the equity share capital of the first mentioned company.

(3) on the whole of the amount representing the face value of any bonus share of the amount of any bonus issued by the company to its shareholders with a view to increase its paid-up capital:-

Rates

(a) Where a company which issues bonus or share bonus, as the case may, is a public company.  15 percent of such the amount.
(b) In other cases.....  20% of such amount.
B. In the case of every local authority on the whole of total income  12.5% of total income.
C. In the case of every registered firm:-

(1) Where the total income does not exceed Rs. 15,000. Nil.

(2) Where the total income exceeds Rs. 15,000/- but does not exceed Rs. 30,000/-

5% of the amount exceeding Rs. 15,000/-.  

(3) Where the total income exceeds Rs. 30,000/- but does not exceed Rs. 60,000/-

Rs. 750 plus 10 percent of the amount exceeding Rs. 30,000.

(4) Where the total income exceeds Rs. 60,000/- but does not exceed Rs. 100,000/-

Rs. 3,750 plus 20 percent of the amount exceeding Rs. 60,000.

(5) Where the total income exceeds Rs. 100,000/-

Rs. 11,750 plus 30 percent of the amount exceeding Rs. 1, 00,000.

Explanation.- The term "registered firm" as used in this paragraph means a firm registered under section 26A of the Income-Tax Act, 1922 (XI of 1922) or a firm treated as registered firm under clause (b) of subsection (5) of section 23 of the income-tax Act, 1922(XI of 1922).
PART - II
(See Section 10)

RATES OF SURCHARGE

A. In the case of company deriving income profits and gains the whole or part of which are exempt from payment of income tax and super-tax under section 15BB of the Income-tax Act, 1922.

10 percent of" the income-tax and super-tax which would have been payable under the Income-tax Act, 1922 had no pan of the income profits and gains of such company been so exempt.

B. In the case of every other company.

10 percent of the income-tax and super-tax, payable under the Income-tax Act, 1922.

C. In the case of every registered firm.

10 percent of the income-tax and super-tax, if any, payable under the income tax Act, 1922.

D. In the case of every other person.

12.50 percent of the income tax and super-tax, if any, payable under the Income-tax Act, 1922.

PART "B"

Cinema Taxes.

(1) There shall be levied and collected a tax on Cinema payable by the owners or managements thereof at the following rates for the financial year 1971-72 :-

(i) In the case of cinema classed as first class cinema.

One thousand rupees

(ii) In the case of a cinema classed as a second class cinema.

Five hundred rupees.

(iii) In the case of cinema classed as third class cinema.

One hundred rupees.
(2) If the person responsible for the payment of the tax under sub-section (1) fails to pay the tax within the period prescribed under the rules, for the payment he shall be liable to pay, in addition to the amount of such tax, a penalty not exceeding the amount of the tax payable.

2. **Amendment of West Pakistan Act X of 1958 (as adopted in Azad Kashmir).** - In the West Pakistan Entertainment Duty Act, 1958, in its application to the Azad Jammu and Kashmir territory:
   (i) In section, clause (aa), (aaa), (hh), (ii) and (k) shall be deleted;
   (ii) In sub-section (l) of section 3, the colon occurring before the proviso shall be replaced by a comma, and between the comma so replaced and the proviso, the following shall be inserted:
     "In case such payment does not exceed rupees 1.12 at the rate of 25% and 50% in case such payment exceeds Rs. 3.12, excluding the amount of duty."
   (iii) In section 6, the words and, comma "or in the case of any cinema, the entertainment duty is not paid in accordance with the provisions of section 6-A" shall be deleted;
   (iv) Section 6-A shall be omitted;
   (v) In sub-section (2) of section 11, after clause (i), the word "and" shall be added, and clause (i-A), (i-b) and (i-c) shall be deleted; and
   (vi) The schedule shall be omitted.

3. **Amendment in Motor Vehicles Taxation schedule 1956:** - The words beginning from "provided" ....... to "within a district" in the Motor Vehicles Taxation schedule, 1956 serial No. 4 sub item "d" are deleted.

4. **Enhancement of fees relating to Motor Vehicles.** - Notwithstanding anything to the contrary contained in the Vehicle Ordinance, 1971 (as adopted in Azad Kashmir) or the West Pakistan Motor Vehicles Rules, the fees payable under the rules mentioned in column 2 of the attached schedule to this Ordinance, shall, in the financial year 1971-72 be paid at the rates specified in column 3 thereof.
5. **Assessment of Punjab Act I of 1914 (as adopted in A.K.).-** In section 3 of the Punjab Excise Act, 1914, (as adopted in Azad Kashmir) for sub-clause (a) of clause (6) the following shall be substituted:

"(a) any alcoholic liquor; or

6. **Application of existing laws.**- Where any tax, duty or surcharge imposed or any fee levied by this Ordinance is by way of an addition to or a surcharge on any existing tax or duty imposed or fee levied by or under any enactment and rules in force in Azad Jammu and Kashmir, the procedure provided in such enactment and rules framed thereunder for the assessment, collection and recovery of such, tax, duty or fee shall, so far as applicable, apply to the assessment, collection and recovery of the additional tax, duty surcharge or fee, as the case may be.

7. **Bar of suits in Civil Courts:**- No suits shall lie in any civil court to set aside or modify any assessment, levy or collection of tax, duty, surcharge or fee made under this Ordinance and the rules framed thereunder or any penalty imposed under sub-section (2) of section 1.

8. **Power to make rules**-- Government may make rules for carrying into effect the purposes of this Ordinance and such rules, may among other matters, prescribe the procedure for the assessment, collection and payment of any tax, duty, surcharge of fee levied or the imposition of any penalty under this Ordinance, in so far as such procedure it not provided in this Ordinance.

Finance Secretary.
(ORDINANCE XX OF 1971).

Whereas it is expedient to enforce the 'Demonetization Scheme' in Azad Jammu and Kashmir; and
Whereas the Pakistan currency notes are in circulation in Azad Jammu and Kashmir necessity has arisen to prohibit the circulation of illegal currency notes by adopting 'Demonetization Levy Scheme' similar to that enforced in Pakistan; and
Whereas the Legislative Assembly is not in session and the president is satisfied that circumstances exist and the emergency has arisen which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970, and all powers enabling him in that behalf, the president, Azad Jammu-and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title. Commencement and Extent**- (1) This Ordinance may be called the Azad Jammu and Kashmir Demonetization of Currency Notes Ordinance, 1971.
   2. It shall be considered to have come into force with effect from 8th June, 1971.

2. **Definitions.**- In this Ordinance, unless, there is anything repugnant in the subject or context:-
   i) ‘Scrutiny Committee’ means the Committee set up by the Government for purposes of scrutiny of the cases of Demonetized Currency Notes under the Notification No. 4/71 dated 28.6.1971.
   iii) Rules means Rules framed under this Ordinance for functioning of the Scrutiny Committee for Demonetized Currency Notes.

2. All Pakistan currency notes of the following description shall cease to be legal tender within the meaning of section 25 of the State Bank of Pakistan Act, (XXXIII) of '956, on and from the dates mentioned against each:-

   (a) Pakistan currency notes inscribed or Date of Comma marked with, or having impressed or embossed of this embossed thereon, the expressions "Joy Bangui" or "Bangla Desh," or any similar expressions, or having embossed Date of commencement of this Ordinance.
or stamped thereon the expression "Dacca", in any language or form whatsoever;
(b) Pakistan currency notes of 8th June 1971.
   500-rupee 8th June,
   1971 and 100-rupee denominations.

3. All holders of the currency notes specified in sub paragraph (b) of paragraph 2 shall surrender them to any of the Branches of the Commercial banks or to any of the Government treasuries or to any Deputy Commissioner, sub-Divisional Officer, Tehsildar or Thana Circle Officer, on any of the following dates:
   (a) Pakistan currency notes of 8th & 9th June, 1971
   500-rupee denomination.
   (b) Pakistan currency notes of 8th, 9th and 10th June, 1971.
   500-rupee denomination.
   Whereafter these currency notes shall not be accepted.

4. The banks or their branches, the treasuries or the Officers mentioned in paragraph 3 to whom the currency notes are surrendered shall note down the name and address of the person surrendering them and the numbers and value of such currency notes and shall give a receipt duly signed and stamped to the person surrendering them.

5. (i) The Committee for Scrutiny of the tendered amount set up by the Government under Notification No. 7/71 dated
7.8.1971 shall decide.-
(a) Which of the currency notes surrendered under sub-paragraph (b) of paragraph 3 were illegally acquired, or illegally removed from the State Bank of Pakistan or any of its branches or from any office or branch of any other bank or any Government Treasury; and
(b) Whether any person surrendering any such currency notes has evaded any tax payable to the Government.

6. A person who has surrendered any currency notes under paragraph 3 shall, on production of the receipt issued to him under paragraph 4, be entitled to receive, on such dates as may be notified by the State Bank of Pakistan in the official Gazette or through a Notification issued to this effect by the Government the amount equivalent to the value of the currency notes so surrendered by him from such bank as may be mentioned in the Notification, if:-
(a) The currency notes surrendered by him have not been found by the Committee to have been illegally acquired or illegally removed from any of the Branches of the State Bank of Pakistan or from any office or branch of any other bank or from any Government treasury; and
(b) Such person has been found by the Committee not to have evaded any tax payable to the Government.

7. The Scrutiny Committee, for the purpose of this Ordinance, may make such rules or issue such directions to such person or authority as it may deem necessary.

8. No person shall be entitled to demand or receive from any office or branches of banks or from any Government Treasury the value of any Pakistan currency note of the description in sub-paragraph (a.), of paragraph (2)

9. Any thing done, action taken, order or Notification made or issued before the commencement of this Act for the scrutiny of currency shall be deemed to have been done or taken, made or issued under this Act as if this Act was in force at the time such thing was done or action taken or orders/Notification issued and no provision of this Ordinance nor any action taken there under shall be called question, by or before any court in couding the High Court.
10. Whoever fails to take any action required of him by this Ordinance or by any rule made or direction issued under paragraph 7 or furnishes false information to the person receiving the surrendered currency notes or to the scrutiny committee set up by the Government shall be punishable with rigorous imprisonment which may extend to three, or with fine, or with both.

(Ordinance XXI of 1971)

Whereas it is expedient to provide for special measure to as sure the security, the public safety and interest and "the defence of the State; and for national service of the citizens for that purpose; and

Whereas the Legislative Assembly is not in session and the president is satisfied that circumstances exist and the emergency has arisen which render immediate-legislation necessary: "•

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970, and all powers enabling him in that behalf, the president, Azad jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. Short title, commencement and extent:— (1) This Ordinance may be called the Azad Jammu and Kashmir National Service Powers ordinance, 1971.
   (2) It shall come into force at once.
   (3) It shall apply to all citizens . of the Azad Jammu and Kashmir wherever they may be and to all servants of the State.

2. Definitions:— In this Ordinance, unless there is anything repugnant in the subject or context,—
   (a) 'Government' shall mean the Azad Government of The State of Jammu and Kashmir;
   (b) 'Citizen' means a person who is or is deemed to be the citizen of Azad Jammu and Kashmir State and shall also include any person or persons who are at present under detention under any law of the State or who have been debarred from the service of the State under the provisions of any enactment or order of the Government;
   (c) 'Service of State' means any employment or post in or under Government, or in connection with the affairs of Government and includes any defence service, and any other service declared by or under any law for the time being in
force to be a service of Azad Jammu and Kashmir; and 'servant of the State' shall be construed accordingly.

3. **Power to impose civil/army duties on citizen.**

   (i) The Government or any person authorized by Government on behalf may, if it considers it necessary or expedient so to do, for securing the defence of the State, the public safety, or the maintenance of public order or for maintaining supplies of essential commodities or construction or maintenance of roads, by general or special order require any person or class of person to perform such civil or army duties within the jurisdiction of the State;

   (ii) Any person or persons to whom any order made under sub-section (i) applies shall, continue to perform the duties imposed on him by order until he is relieved therefore by competent authority.

4. If any person or persons contravenes the provisions of any such order, he shall be punishable with imprisonment for a term which may extend to three years or with fine not exceeding three thousand rupees or with both.

5. No proceedings or order taken or made under this Ordinance shall be called in question by any Court and no civil or criminal proceeding shall be instituted against any person for anything done or intended to be done under this Ordinance.

6. Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence.

7. Any order made, or any other action taken, under this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance.

8. The offences under this Ordinance shall be cognizable and non-bailable.

AZAD JAMMU AND KASHMIR CRIMINAL PROCEDURE CODE (AMENDMENT) ORDINANCE, 1971.

(Ordinance XXIII of 1971)

 Whereas Proclamation of Emergency has been made by the -
  president of Azad Government in the State;
  And Whereas the Legislative Assembly is not in session and the
  President is satisfied that the circumstances exist and the emergency has
  arisen which render immediate legislation necessary;
  Now in exercise of the powers conferred by section 24 of the
  enabling him in that behalf, the President is pleased to make and
  promulgate the following Ordinance.
  1. Short title and commencement.- (1) This Ordinance may be called
     the Azad Jammu and Kashmir Criminal Procedure Amendment
     Ordinance, 1971.
     2. It shall come into force at once and shall continue to remain
     in force till emergency exists.
  2. Amendment of Section 491 (Act V of 1898). In the Code of
     Criminal Procedure, 1898 (Act V of 1898), as in force in the
     Azad Jammu and Kashmir Territory, in section 491, in sub-
     section (3) the following shall, be added namely:-
     (3) Nothing in this section applies to persons detained under the
     Azad Jammu and Kashmir Civil Defence Rules, 1962, or under
     any other law relating to preventive detention as may, from time
     to time, be specified by the Azad Government of the State of
     Explanation:- in this sub-section, the expression the Azad Jammu and
     Kashmir Civil Defence Rules, 1962, means the, rules made under the
AZAD JAMMU & KASHMIR MOTOR VEHICLES ORDINANCE 1971.

AN ORDINANCE


WHEREAS it is expedient to consolidate the law relating to motor vehicles in the State of Jammu and Kashmir;

It is hereby enacted as follows:-

CHAPTER I
PRELIMINARY

1. Short title and extent- (1) This Ordinance may be called the Azad Jammu and Kashmir Motor Vehicles Ordinance 1971.
   (2) It extends to the whole of Azad Jammu and Kashmir State and shall come into force

2. Definitions. In this Act, unless the context otherwise requires, the following expression shall have the meanings hereby respectively assigned to them, that is to say-
   (1) "ambulance" means a vehicle designed for the carriage of sick, wounded or invalid persons or animals;
   (2) "axle weight" means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface whereon the vehicle rests;
   (3) "Corporation" means the Road-Transport Corporation;
   (4) "certificate of registration" means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter III;
   (5) "contract carriage" means, a motors vehicle under contract which carries a passenger or passengers for hire or reward expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum and from one point to another without stopping to pick up or set down along the line of route
passengers not included in the contract; and includes a motor cab notwithstanding that the passengers may pay separate fares;
(6) "delivery Van" in case any goods vehicle the registered ladder weight of which does not exceed 5,000 Pounds avoid duois;
(7) "driver" includes where a separate person acts as steersman of a motor vehicle, that person as well as any other person engaged in the driving of the vehicle;
(8) "emergency vehicle" means a motor vehicle used solely for police, fire-brigade or ambulance purposes or to relieve distress;
(9) "fares" include sums payable for a season ticket or in respect to the hereof a contract carriage;
(10) "Goods" include live-stock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except, living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to, a motor car or the personal luggage of passengers traveling in the vehicle;
(11) "goods vehicle" means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers;
(12) "Government" means the Azad Government of the State of Jammu and Kashmir;
(13) "heavy-transport vehicle" means a transport vehicle the registered axle weight of which exceeds 10,600 pounds-avoirdupois, or the registered laden weight of which, exceeds 14,500 pounds avoirdupois;
(14) "invalid carriage" means a motor vehicle the unladden weight of which does not exceed five hundred weights, specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;
(1.5) "licence" means the document issued by a competent authority authorizing the person specified therein to drive a motor vehicle or a motor vehicle of any specified class or
(16) "licensing authority" means an authority empowered to grant licences under this Act;

(17) "light transport vehicle" means any public service vehicle other than a motor cab, or any goods vehicle other than a heavy transport vehicle or a delivery van;

(18) "locomotive" means a motor vehicle which is itself not constructed to carry any load (other than equipment used for the purpose of propulsion), the unladen weight of which exceeds 16,000 pounds avoirdupois, but does not include a road-roller;

(19) "motor cab" means any motor vehicle constructed, adapted or used to carry not more than ten passengers excluding the driver, for hire or reward;

(20) "motor car" means any motor vehicle other than a transport vehicle, locomotive, road roller, tractor, motor cycle or invalid carriage;

(21) "motor cycle" means a motor vehicle, other than an invalid carriage, with less than four wheels, the unladen weight of which, inclusive of any side-car attached to the vehicle does not exceed 900 pounds avoirdupois;

(22) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached and a trailer, but does not include a vehicle running upon fixed rails or used solely upon the premises of the owner;

(23) "Owner" means the person in whose name the motor vehicle is registered and includes-
   (a) a transferee of the motor vehicle from such person;
   (b) in relation to a motor vehicle which is the subject of a hire-purchase agreement, the person in possession of vehicle under that agreement; and
   (c) where the person in whose name the motor vehicle is registered or the person in possession of the motor vehicle
under a hire-purchase agreement is-

(i) a minor, the guardian of such minor;
(ii) a company registered under the Companies Act, 1913, the
directors of such company;
(iii) a society registered under the Societies Registration Act,
1860, or under any law relating to co-operative societies, the
principal officer of such society by whatever designation
known;
(iv) a firm, all the partners of such firm; and
(v) any other association of persons, all the members of such
association;

Provided that where such company, firm, society or other
association of persons has given notice to the registering
authority that it has nominated a director, partner, office-bearer,
member or officer, as the case may be, of the company, firm,
society or association -to be the owner of the vehicle for the
purposes of the Act, the person so nominated shall alone be
deemed to be; the owner for the purposes of this Act;

(24) "permit" means the document issued by the Provincial
Transport Authority or - a Regional Transport Authority
authorizing the use of a transport vehicle as a contract carriage or
stage carriage, or authorizing the owner as a private carrier or
public carrier to use such vehicle;
(25) "prescribed" means prescribed , by rules made under this
Act;
(26) "private carrier" means an owner of a transport vehicle
other than a public carrier who uses that vehicle solely for the
carriage of goods which are his properly or the carriage of which
is necessary for the purposes of his business, not being a
business of providing transport, or who uses the vehicle for any
of the purposes specified in sub-section (2) of section 44;
(27) "public carrier" means an owner of a transport vehicle who
transports or undertakes to transport goods, or any class of
goods, for another person at any time and in any public place, for
hire or reward, whether in pursuance of the terms of a contract
or agreement or otherwise, and includes any person, body,
association or company engaged in the business of carrying the
goods of persons associated with that person, body, association
or company for the purposes of having their goods transported;
(28) "public highway" shall include any highway, road, street,
avenue, alley, public place, public driveway or any public way;
(29) "public place" means a road, street way or other place,
whether a thoroughfare or not to which the public have a right of
access, and includes any place or stand, at which passengers are
picked up or set down by a stage carriage;
(30) "public service vehicle" means any motor vehicle used or
adapted to be used for the carriage of passengers for hire or
reward, and includes a motor cab, contract carriage, and stage
 carriage;
(31) "registered axle weight" means in respect of any vehicle the
axle weight certified and registered by the registering authority
as permissible for that vehicle;
(32) "registered laden weight" means in respect of any vehicle,
the total weight of the vehicle and load certified and registered
by the registering authority as permissible for that vehicle;
(33) "registering authority" means an authority empowered to
register motor vehicles under Chapter III;
(34) "school bus" means any motor vehicle used exclusively for
the carriage of students of any educational institution recognized
by Government of the managing committee of which is a society
registered under the Societies Registration Act, 1860;
(35) "semi-trailer" means any vehicle which is so designed that
when operated, the forward end of its body or chassis rests upon
the body or chassis of the towing motor vehicle;
(36) "stage carriage" means a motor vehicle carrying or adapted
to carry more than six persons excluding the driver which carries
passengers for hire or reward at separate fares paid by or for
individual passengers, either for the whole journey or for stages
of the journey;
"street roadway" means that part of the public highway which is intended for vehicular traffic;
(38) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion) the unladen weight of which does not exceed 16,000 pounds avoirdupois; but does not include a road-roller;
(39) "traffic signs" includes all signals, warning sign posts, direction posts, or other devices for the information, guidance or direction of drivers of motor vehicles;
(40) "trailer" means any vehicle other than a side-car drawn or intended to be drawn by a motor vehicle;
(41) "transport, vehicle" means a public service vehicle, a goods vehicle, a locomotive or a’ tractor other than a locomotive or tractor used solely for agricultural purposes;
(42) "unladen weight" means the weight of a vehicle or trailer, including all equipment ordinarily used within the vehicle or trailer when working, but excluding the weight of the driver or a tendant; and where alternative parts or bodies are used, the unladen weight of vehicle means the weight of the vehicle with the heaviest such alternative part or body;
(43) "weight" means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

CHAPTER II
LICENSING W DRIVERS OF MOTOR VEHICLES

3. **Prohibition on driving without licence.** No person shall drive a motor vehicle in any public place unless he holds an 'effective licence authorising him to drive the vehicle;, and no person shall so drive a motor vehicle as paid employee or shall so drive a public service vehicle unless his licence specially entitles him so to do:-

Provided that a person receiving instructions in driving a motor vehicle may, subject to such conditions as may be prescribed by Government in this behalf, drive a motor vehicle, in any public place.
4. **Age limit in connection with driving of motor vehicles**,  
   (1) No person shall drive in any public place-
   (i) a motor cycle or an invalid carriage, unless he has attained the age of eighteen years;
   (ii) a motor car, otherwise than as a paid employee, unless he has attained the age of eighteen years;
   (iii) a motor car as a paid employee or a transport vehicle, unless he has attained the age of twenty-one years;
   (iv) a heavy transport vehicle, unless he has attained the age of twenty-two years;
   (2) (a) No person above the age of fifty years shall drive a transport vehicle in any public place unless the licence entitling him so to do bears an effective endorsement by the licensing authority that such person has furnished a certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.
   (b) The "licensing authority shall not make on any licence any such endorsement as is referred to in clause (a) unless it appears from the medical certificate furnished by the holder of the licence that he is not suffering from any disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a transport vehicle to be a source of danger to the public or to the passengers.
   (c) An endorsement made under the provisions of clause (a) shall be effective for a period of twelve months from the date thereof, but the said period may, from time to time, be extended by the licensing authority by a further period of twelve months at any one time, on the production by the holder of the licence of a fresh medical certificate as required under clause (a) and on being satisfied therefrom that the holder of the licence is not suffering from any disease or disability referred to in clause (b).
   (3) No person shall drive a motor vehicle in public place with his eyes wholly or partly covered with any cloth or other opaque substance, or in such manner as to interfere in any manner with his vision.
5. **Owners of motor vehicles not to permit contravention of section, 3 or section 4.** - No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of sections 3 or section 4 to drive the vehicle.

6. **Restriction on use of Licence by person other than holder.**
   No holder of a licence shall permit it to be used by any other person.

7. **Grant of licence.** (1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a licence, may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application is for a licence to drive as a paid employee, in which the employer resides or carries on business for the issue to him of a licence.

   (2) Every application under sub-section (1) shall be in Form A as set forth in the First Schedule, shall be signed by, or bear the thumb impression of the applicant in two places, and shall contain the information required by the form.

   (3) Where the application is for a licence to drive as a paid employee or to drive a transport vehicle, or where in any other case the licensing authority for reasons to be stated in writing so requires, the application shall be accompanied by a medical certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.

   (4) Every application for a licence to drive as a paid employee and every application for a licence to drive a transport vehicle shall be accompanied by three copies of a recent photograph of the applicant attested by a Magistrate or a Class I Officer of Government.

   (5) If, from the application or from the medical certificate referred to in sub-section (3), it appears that the applicant is suffering from any disease or disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the licence applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the licence:
Provided that-
(a) a licence limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage;
(b) the applicant may, except where he suffers from a disease or disability specified in the Second Schedule, claim to be subjected to a test of his fitness or ability to drive a motor vehicle of a particular construction or design, and if he passes such test to the satisfaction of the licensing authority and is not otherwise disqualified, the licensing authority shall grant him a licence to drive such motor vehicle as the licensing authority may specify in the licence.

(6) No licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority the test of competence specified in the Third Schedule:

Provided that where the application is for a licence to drive a motor vehicle (not being a transport vehicle) otherwise than as a paid employee, the licensing authority may exempt the applicant from the test specified in the Third Schedule, if-

(a) the applicant possess a driving certificate issued by an automobile association recognized in this behalf by Government;

or

(b) the licensing authority is satisfied that the applicant has previously held a licence (or similar document) valid outside the province and has had not less than twelve months recent experience of driving a motor vehicle of the class to which the applicant refers:

Provided further that where the applicant, being a serving member of the armed forces of Pakistan, is in possession of a valid army driving licence and has been actually driving one or more classes of motor vehicles for not less than three years immediately before the date of application, the licensing authority shall, subject to the prescribed conditions, exempt him from the test specified in the Third Schedule and issue to him a driving licence for the class or classes of motor vehicles he has been so driving.
(7) The test of competence to drive shall be carried out in a vehicle of the class to which the application refers, and for the purposes of part I of the test:
(a) a person who passes the test in driving a heavy transport vehicle shall be deemed also to have passed the test in driving any motor vehicle other than a motor cycle or a road-roller;
(b) a person who passes the test in driving a light transport vehicle shall be deemed also to have passed the test in driving a motor car, or a motor cab or a delivery van.
(8) No licence shall be issued to any applicant to drive a heavy transport vehicle unless he has held for a period of not less than three years immediately preceding the making of the application an effective licence to drive a motor vehicle other than a motor cycle, an invalid carriage or a road-roller.
(9) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness and of his competence to drive and has paid to the authority the prescribed fee, the licensing authority shall grant the applicant a licence unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time disqualified for holding or obtaining a licence:
Provided that a licensing authority may issue a licence to drive a motor cycle or a motor car notwithstanding that it is not the appropriate licensing authority, if the licensing authority is satisfied that there is good reason for the applicant's capability to apply to the appropriate licensing authority.

8. Form and contents of licence, (l) Every licence, except a licence issued under section 15, shall be in Form C as set forth in the First Schedule and shall have affixed thereto one of the signatures or thumb-impressions given on the application for the licence and, in the case of a licence to drive as a paid employee or to drive a transport vehicle, one of the photographs referred to in sub-section (4) of section 7,
(2) A licence shall specify whether the holder is entitled to drive as a paid employee and whether he is entitled to drive a public service vehicle and shall further be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely:-
(a) motor cycle,
(b) motor car,
(c) motor cab,
(d) delivery van,
(e) light transport vehicle,
(f) heavy transport vehicle,
(g) locomotive, (h) tractor,
(i) road-roller,
(j) invalid carriage,
(k) any other motor vehicle of a specified description.

9. **Additions to licences,** (l) Any person holding a licence issued under this Act who is not for the time being disqualified for holding or obtaining a licence may apply in Form L as set forth in the First Schedule to the licensing authority having Jurisdiction in the area in which he ordinarily resides or carries on business or, if the application relates to a licence to drive as a paid employee, in which the employer resides or carries on business, for the addition of any class of motor vehicles to the licence as is specified in section 8.

(2) The provisions of section 7 shall apply to an application under this section as if the application were for the grant of a licence under, that section to drive the class of motor vehicle which the applicant desires to be added to his licence:

Provided that the provisions of sub-section (3) and (4) of that section shall not apply where the applicant is the header of a licence to drive as a paid employee or to drive a transport vehicle.

(3) No fee other than a fee for the test of competence to drive shall be charged for an addition to a licence under this section.

10. **Extent of validity of licence.** (1) Subject to any rules made by Government, a licence issued under the foregoing sections shall be effective throughout Azad J & K.

(2) Subject to any rules made by Government, a licence to drive a motor vehicle issued by a competent authority in any part of Pakistan not included in A J & K shall be valid throughout A J & K as if it were a licence issued under this Act and it shall be lawful for the holder of such a licence to drive and be employed in driving in A J & K a motor vehicle of any class or description.
which he is authorised by such licence to drive:

Provided that the holder of such a licence is not disqualified under any of the provisions of this Act for holding or obtaining a licence in the Province.

11. **Currency of licences.** A licence issued under the foregoing sections shall, subject to the provisions contained in this Act, as to the cancellation of licences and the disqualification of holders of licences for holding or obtaining licences, be effective without renewal for a period upto three years in the case of a licence to drive a motor car or motor cycle otherwise than as a paid employee, and in any other case for a period of twelve months" only from the date of issue of last renewal.

12. **Renewal of licences**  
(1) Any licensing authority may on an application made to it renew a licence issued under the provisions of this Act.
(2) A licence to drive as a paid employee shall not be renewed so as to be effective for any period after the expiry of five years from the date of the medical certificate furnished by the licence holder under section 7 unless he furnishes a fresh medical certificate in Form B as set forth in- the First Schedule and signed by a registered medical practitioner in which case the period of five years shall be computed from the date of the last of such certificates.
(3) An application for the renewal of a licence shall be in Form E as set forth in the First Schedule and shall contain the declaration required by the form; provided that if the applicant does not or is unable to subscribe to the said declaration, the provisions of sub-section (5) of section 7 shall apply.
(4) The fee payable for the renewal of a licence shall be as prescribed, and enhanced fee may be prescribed where the application for renewal is made more than thirty days from the date of expiry of the licence:

Provided that if the application for renewal is made more than three years after the expiry of the licence, the licensing authority may refuse to renew the licence unless the applicant undergoes and passes to its satisfaction the test of competence specified in the Third Schedule.
(5) When the authority renewing the licence is not the authority which issued the licence, it shall intimate the fact of renewal to the authority which issued the licence.

13. **Cancellation of licence on grounds of disease or disability**—(1) Notwithstanding anything contained in section 11 or section 12 any licensing authority may at any time cancel a licence or may require the holder thereof as a condition of continuing to hold such licence, to furnish a fresh medical certificate in Form B as set forth in the First Schedule and signed by a registered medical practitioner, if the licensing authority has reasonable grounds to believe that the holder of the licence is by virtue of any disease or disability, unfit to drive a motor vehicle.

(2) When the authority canceling the licence is not the authority which issued the licence, it shall intimate the fact of cancellation to the authority which issued the licence.

14. **Order Refusing licence and appeal therefrom.**—(1) Where the licensing authority refuses to issue or cancels or refuses to renew any licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving reasons in writing for such refusal or cancellation.

(2) Upon the issue of any such order the person affected if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority making the order if the licence has not already been surrendered, and the licensing authority shall, if no appeal is preferred against its order as provided in sub-section (3), or where any such appeal has been preferred and been dismissed, destroy the licence or cause it to be destroyed.

(3) Any person aggrieved, by an order referred to in sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority, who shall decide the appeal after giving the authority against whose order the appeal has been preferred an opportunity of being heard, and that authority shall be bound by the decision of the appellate authority.

15. **Licence to drive motor vehicles, the property of the Central Government.**—(1) The authority specified in Part A of the Fourth Schedule may grant licences, valid throughout A J & K to persons who have completed their eighteenth year to drive motor vehicles, which are the property or are for the time being under the exclusive control of the Central Government.
(2) A licence issued under this section shall specify the class or classes of vehicles which the holder is entitled to drive and the period for which he is so entitled.
(3) A licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle is the property or for the time being under the exclusive control of the Central Government.
(4) The authority issuing any licence under this section shall at the request of Government furnish such information respecting any person to whom a licence is issued as Government may at any time require.

16. Power of licensing authority to disqualify for holding a licence.
(1) If a licensing authority is satisfied after giving him an opportunity of being heard that any person-
(a) is a habitual criminal or a habitual drunkard; or
(b) is using or has used a motor vehicle in the commission of a cognizable offence; or
(c) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the Public, it may for reasons to be recorded in writing make an order disqualifying that person for a specified period for holding or obtaining a licence.
(2) Upon the issue of any such order the person affected, if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority making the order, if the licence has not already been surrendered, and the licensing authority shall keep it until the disqualification has expired or has been removed.
(3) Any person aggrieved by an order made by a licensing authority under this section may, within thirty days of the service on him of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may make such inquiry into the matter as it thinks fit. An order made by any such appellate authority shall be final.

17. Power of Regional Transport Authority to disqualify- (1) A Regional Transport Authority constituted under Chapter IV may,
for reasons to be recorded in writing and subject to any prescribed conditions, declare any person disqualified, for a specified period, for holding or obtaining a licence to drive a transport vehicle in AJ&K.

(2) A Regional Transport Authority making a declaration under sub-section (1) shall, if the person so disqualified is the holder of a licence, furnish a copy of the declaration to the licensing authority by whom the licence was granted, and if the person so disqualified is not the holder of a licence, to the licensing authority within whose jurisdiction he ordinarily resides.

(3) Upon the making of a declaration under sub-section (1), the person affected, if he is the holder of a licence shall forthwith surrender his licence to the licensing authority by whom the licence was granted, and the licensing authority shall keep it until the disqualification has expired or has been removed.

(4) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the receipt of intimation of such order, appeal against the order to the prescribed authority.

18. Power of Court to order disqualification. (1) Where a person is convicted of an offence under this Act, or of an offence in the commission of which a motor vehicle was used, the court by which such person is convicted may subject to the provisions of this section, in addition to imposing any other punishment authorized by law, declare the person so convicted to be disqualified for such period as the Court may specify, for holding any licence or for holding a licence to drive a particular class or description of vehicles:

Provided that the Court shall not order the disqualification of an offender convicted for the first or second time of an offence punishable under section 95.

(2) The Court shall order the disqualification of an offender convicted of an offence punishable under section 96 or section 97 and such disqualification shall, be for a period of not less than six months.

(3) The Court shall order the disqualification of an offender convicted of an offence against the Provisions of clause (c) of sub-section (l) of section 89 or of section 94 and such disqualification shall be for a period of not less than one month.
(4) The Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of an offender-
(a) who having been convicted of an offence punishable under section 98 is again convicted of an offence punishable under that section,
(b) who is convicted of an offence punishable under section 100,
(c) who is convicted of an offence punishable under section 103.
Provided that the period of disqualification shall not exceed, in the cases referred to in clauses (a) and (b), two years, and, in the case referred to in clause (c), one year.
(5) A Court ordering the disqualification of an offender convicted of an offence punishable under section 98 may also direct that the offender shall, whether he has previously passed the test of competency of drive specified in the Third Schedule or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.
(6) The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made by the Court below, and the Court to which appeals ordinarily lie from any Court may set aside or vary any order of disqualification made by that Court, notwithstanding that no appeal lies against the conviction in connection with which such order was made.

9. Effect of disqualification order,
(1) A person in respect of whom any disqualification order is made under this Chapter shall be debarred to the extent and for the period specified in such order from holding or obtaining a licence and the licence, if any, held by such person at the date of the order shall cease. To be effective during such period.
(2) The operation of a disqualification order made under section 18 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.
(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of the order apply to the Court or other authority by which the order was made, to remove the disqualification; and the Court or authority, as the case may be, may, having regard to all the circumstances of the case, remove or vary the order, of disqualification:

Provided that where an application has been made under this section a second application thereunder shall not be entertained before, the expiry of a further period of three months.

20. **Endorsement.** (1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the licence, if any, held by the person disqualified, particulars of the order of disqualification and of any conviction for an offence in respect of which an order of disqualification is made; and particulars of any removal or variation of an order of disqualification made under sub-section (3) of section 39 shall be similarly so endorsed.

(2) Any person accused of an offence specified in the Fifth Schedule or any other offence involving the driving of a motor vehicle shall when attending the Court trying him for such offence bring with him his licence if it is in his possession.

(3) The Court by which any person is convicted of an offence specified in the Fifth Schedule or any other offence involving the driving of motor vehicle shall, whether or not an order of disqualification is made in respect of such conviction, endorse or cause to be endorsed particulars of such conviction on any licence held by the person convicted.

21. **Transfer of endorsement and issue of licence free from endorsement.** (1) An endorsement on any licence shall be transferred to any new or duplicate licence obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

(2) Where a licence is required 'to be endorsed and the licence is at the time not in the possession of the Court or authority by which the endorsement is to be made, then-

(a) if the person in respect of whom the endorsement is to be
made is at the time the holder of a licence, he shall produce the licence before the Court or authority within such time as the Court, or authority may fix, or
(b) if not being then the holder of a licence, he subsequently obtains licence, he shall within five days after obtaining the licence produce it before the Court or authority for the purpose of endorsement; and if the licence is not produced within the time specified, the person in respect of whom the endorsement is to be made shall be deemed to have committed an offence punishable under section 94 and the licence shall on the expiry or such time be of no effect until it has been produced for the purpose of endorsement.
(3) A person whose licence has been endorsed shall if during the period of five years since the last endorsement was made no further order of endorsement has been made against him, be entitled, on surrendering his licence and on payment of the prescribed fee, to receive a copy of the licence free from all endorsement; and if the endorsement was only in respect of exceeding a speed limit, he shall be entitled to have a copy of the licence free from endorsement issued on the expiration of one year from the date of the order directing the endorsement to be made:

Provided that in computing the said period of five years and one year respectively, the time during which the said person was disqualified for holding or obtaining a licence shall be excluded.
(4) When a licence is endorsed or an order of endorsement is made by any Court, it shall send particulars of the endorsement or order, as the case may be, to the licensing authority by which the licence was last renewed and to the licensing authority which granted the licence.
(5) Where the holder of a licence is disqualified by the order of any Court for holding or obtaining a licence, the Court shall take possession of the licence and forward it to the licensing authority by which it was granted or last renewed and that authority shall keep the licence until the disqualification has expired or has been removed and the person entitled to the licence has made a demand in writing for its return to him?

Provided that, if the disqualification is limited to the driving of a motor vehicle of a particular class or description the Court
shall endorse the licence to this effect and shall, send a copy of the order of disqualification to the licensing authority by which the licence was granted and shall return the licence to the holder.

(6) Where on an appeal against any conviction or order of a Court which has been endorsed on a licence, the appellate Court varies or sets aside the conviction or order, the appellate Court shall so inform the licensing authority by which the licence was last renewed and the licensing authority which granted the licence, and shall amend or cause to be amended the endorsement of such conviction or order.

22. **Power to make rules**- (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing Powers, such rules may provide for all or any of the following matters, namely:-

(a) The appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities;

(b) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees; Provided that no fee so fixed shall exceed two rupees;

(c) the issue of duplicate licence to replace licences lost, destroyed or mutilated, the replacement of photographs which have become absolute and the issue of temporary licence to persons receiving instruction in driving and the fees to be charged therefor;

(d) the conditions subject to which a Regional Transport Authority may disqualify a person for holding a licence to drive a transport vehicle;

(e) the medical examination and testing of applicants for licences and of drivers and the fees to be charged therefor;

(f) the fees to be paid for the grant and renewal of licences;

(g) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;
(h) the granting by registered medical practitioners of the certificates referred to in sub-section (2) of section 4, sub-section (3) of section 7 and sub-section 0) of section
(i) the communication of particulars of licences granted by one licensing authority to other licensing authorities;
(j) the control of schools or establishments for the instruction of drivers of motor vehicles and the acceptance of driving certificates issued by such schools or establishments as qualifying the holder for exemption from Part I of the test specified in the Third Schedule; and
(k) the exemption of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder.

CHAPTER III
REGISTRATION OF MOTOR VEHICLES

23. Motor vehicles not to be driven without registration- (l) No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to pose of. carrying passengers or goods unless the vehicle is registered in accordance with this Chapter and the vehicle carries a registration mark displayed in the prescribed manner.
Explanation- A motor vehicle shall not be deemed to be registered in accordance with this Chapter if the certificate of registration has been suspended or cancelled.
(2) Nothing in this section shall apply to motor vehicle while being driven within the limits of jurisdiction of a registering authority to or from the appropriate place of registration for the purpose of being registered under section 24, 26, 40 or 41, or to a motor vehicle exempted from the provisions of the Chapter while in the possession of a dealer in motor vehicles.

24. Registration where to be made- (l) Subject to the provisions of section 26, section 40 and section 41, every owner or a motor vehicle shall cause the vehicle to be registered by the registering authority of the Division in which he has residence or place of business or in which the vehicle is normally kept.
(2) Government may, by rule made under section 43, require
that any certificate of registration issued under the provisions of the Motor Vehicles Act, 1939, shall be presented, within a prescribed period, to a specified registering authority for entry therein of such further particulars of the vehicle as that authority may, for the purposes of this ordinance, deem fit to record.

25. **Registration how to be made.** (1) An application by or on behalf of the owner of a motor vehicle for registration shall be in Form F as set forth in the First Schedule, shall contain the information required by that form, and shall be accompanied by the prescribed fee.

(2) The registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in Form G as set forth in the First Schedule and shall enter in a record to be kept by it particulars of such certificate.

(3) The registering authority shall passing to the vehicle for display thereon in the prescribed manner, a distinguishing mark (in this ordinance referred to as the registration mark) consisting of the group of letters allotted by the Sixth Schedule followed by a number containing not more than four figures or such number and a letter:

Provided that any motor vehicle, whether the property of Government or not, declared by the Central Government to be meant for the use of the President or by the Provincial Government to be meant for the use of the Governor of West Pakistan, shall not be assigned a registration mark and shall instead display such other mark as may be specified by the Central or the Provincial Government, as the case may be.

(4) Government may, by a notification in the Official Gazette, direct that motor vehicles registered before the commencement of this ordinance shall be assigned new registration marks within such period and according to such procedure as may be specified in the notification.

26. **Temporary registration,** (1) Notwithstanding anything contained in section 24, the owner of a motor vehicle may applying the prescribed manner to any registering authority to have the vehicle temporarily registered and thereupon such registering authority shall issue to the owner of the vehicle a temporary certificate of registration and assign to the vehicle a temporary mark of registration.
(2) A registration made under this section shall be valid only for a period of one month, and shall not be renewable.

27. **Production of vehicle at the time of registration.** The registering authority may, before proceeding to register a motor vehicle, require the person applying for registration of the vehicle to produce the vehicle either before itself or such authority as Government may by order appoint for this purpose in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of Chapter VI and of the rules made thereunder.

28. **Refusal of registration-** (1) The registering authority may, for reasons to be recorded in writing, refuse to register any motor vehicle, if-
   (a) the vehicle is mechanically so defective as to render its use unsafe; or
   (b) The vehicle does not comply with the requirements of Chapter VI, or of the rules made thereunder; or
   (c) The applicant fails to furnish particulars of any previous registration of the vehicle; or
   (d) the applicant fails to produce before the registering authority--
      (i) Where the vehicle ha been previously registered under this ordinance or under any other law relating to the registration of motor vehicles in force in any pace in Pakistan, a letter of authority or a certificate of. transfer From the person shown as owner in the last registration certificate in respect of such vehicle; or
      (ii) Where the vehicle has been imported from any place outside Pakistan and has not been previously registered in any Place in Pakistan, against an import licence for the vehicle.

(2) Where a registering authority refuses to register a motor vehicle, it shall furnish to the applicant free of cost a copy of the reasons for such refusal.
29. **Effectiveness in West Pakistan of registration**, (1) Subject to the provisions of section 30, a motor vehicle registered by a competent authority in any part of Pakistan not included in the province under the law relating to motor vehicles in force in such part, shall not be required to be registered under this ordinance; Provided that there is in force in respect of the vehicle a certificate conforming to and containing substantially the same particulars as the certificate of registration in Form G as set forth in the First Schedule issued by such competent authority in respect of such vehicle.

(2) A certificate complying with the requirements of the proviso to the last preceding sub-section shall be effective throughout the province as if it were a certificate or registration issued under this Ordinance and the provisions of this Ordinance shall apply thereto.

(3) Sub-section (1) shall not apply to any motor vehicle previously registered in the State if the certificate of registration of the vehicle is, for the time being suspended or cancelled for any reason other than that or permanent removal of the vehicle from the State.

30. **Assignment of fresh registration mark on removal to another province**- (1) When motor vehicle not required to be registered in the province by virtue of sub-section (1) of section 29 is kept in the province for a period exceeding twelve months, the owner of the vehicle shall apply to the registering authority, within whose Jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration of the vehicle to that registering authority.

(2) The registering authority, to which application is made under sub-section (1), shall assign the vehicle a registration mark specified in the Sixth Schedule to be carried thenceforth on the vehicle and shall enter the mark upon the certificate of registration of the vehicle before returning it to the applicant and, shall also, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

(3) Government may make rules under section 43 requiring the owner of a motor vehicle not register within the province, which
is brought into or is for the time being in the State, to furnish to
the prescribed authority such information with respect to the
motor vehicle and its registration as may be prescribed.

31. **Change of residence or Place of business**— (1) If the owner of a
motor vehicle ceases to reside or have his place or business at the
address recorded in the certificate of registration of the vehicle,
he shall within thirty days of any such change of address,
iminate his new address to the registering authority by which the
certificate of registration was issued, or, if the new address is
within the jurisdiction of another registering authority, to that
other registering authority, and shall at the same time forward
the certificate of registration to the registering authority in order
that the new address may be entered therein.

(2) A registering authority other than the original registering
authority making any such entry shall communicate the altered
address to the original registering authority.

(3) Nothing in Sub-section (1) shall apply where the change of
the address recorded in the certificate of registration is due to a
temporary absence not intended to exceed six months in duration
or where the motor vehicle is neither used nor removed from the
address recorded in the certificate of registration.

32. **Transfer of ownership**— (1) Within thirty days of the transfer of
owner ship of any motor vehicle registered under this Chapter,
the transferee shall report the transfer to the registering authority
within whose jurisdiction he ordinarily resides and shall forward
the certificate of registration of the vehicle to that registering
authority together with the prescribed fee in order that particulars
of the transfer of ownership may be entered therein.

(2) A registering authority other than the original registering
authority making any such entry shall communicate the transfer
of ownership, to the original registering authority.

33. **Alteration in motor vehicle**— (1) If a motor vehicle is so altered
that the particulars contained in the certificate of registration are
no longer accurate, the owner of the vehicle shall within fourteen
days of the making of any such alteration, report the alteration to
the registering authority within whose jurisdiction he resides and
shall forward the certificate of registration of the vehicle to the
authority together with the prescribed fee in order that particulars
of the alteration may be entered therein:
Provided that it shall not be necessary to report any change in the unladen weight of the motor vehicle consequent on the addition or removal of fittings or accessories, if such change does not exceed two per cent of the weight entered in the certificate of registration.

(2) A registering authority other than the original registering authority making any such entry shall communicate the details of the entry to the original registering authority.

34. Suspension of registration—(l) A registering authority or any other prescribed authority may, after giving the owner an opportunity of making any representation he may wish to make, for reasons to be recorded in writing, suspend the registration certificate of motor vehicle, if—

(a) the vehicle is not insured as required by law, or
(b) any fees or taxes or taxes payable in respect of the vehicle under this ordinance or the rules framed thereunder, or the West Pakistan Motor Vehicles Taxation Act, 1958, Act XXXII of 1958 have remained unpaid for a period exceeding three months from the date such fees or taxes were due, or
(c) in the case of a Public service vehicle, it is not covered by a valid certificate of fitness; or
(d) the authority has reasons to believe that the vehicle is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of chapter VI or of the rules made thereunder; or
(e) a substantially false statement has been made in the application for registration of the vehicle; or
(f) the registration certificate has been deliberately defaced or mutilated or unauthorized additions or alterations have been made therein;

and such suspension shall remain in force till the vehicle is duly insured as required by law, or the fees or taxes have been paid, or a valid certificate of fitness in respect of the vehicle has been obtained, or the defects are remedied to the satisfaction of such authority, or the false statement in the application for registration has been replaced by a correct statement in the prescribed
manner, as the case may be.
(2) A registering authority or any prescribed authority may, after giving the owner an opportunity of making any representation he may wish to make and for reasons to be recorded in writing, suspend, for a period not exceeding six months, the certificate of registration of a vehicle, if it is satisfied that—
(i) the vehicle is used for subversive activities against the state,
(ii) the vehicle is used for hire or reward without obtaining a permit from the Provincial or a Regional Transport Authority as required under section 44; or
(iii) the vehicle has been found by a Court to have been used by owner of the vehicle, or with his knowledge or connivance in the commission of a cognizable offence punishable with imprisonment of not less than five years:
(3) An authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of suspension and the reasons therefor to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.
(4) A registering authority or other prescribed authority suspending the registration certificate of a motor vehicle under this section shall communicate the fact of suspension together with the reasons therefor in writing to the owner of the vehicle, and the owner shall thereupon forthwith surrender to that authority the certificate of registration and any token or cord issued to authorise the use of the vehicle in a public place.
(5) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension, and when the suspension has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended may, if it is the original registering authority, cancel the registration and the entry relating to the vehicle in its records, and if it is not
the original registering authority, shall forward the certificate of registration and any token or card surrendered under sub-section (4) to that authority which may cancel it forthwith.-

(6) The certificate of registration and any token or card surrendered under sub-section (4) shall be returned to the owner when the order suspending registration is rescinded.

35. **Cancellation of registration**— (1) If motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, as soon as may be, report the act to registering authority within whose jurisdiction he resides and shall forward to that authority the certificate of registration of the vehicle together with any token or card issued to authorise the use of the vehicle in a public place.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or if it is not, shall forward the report and the certificate of registration, to the original registering authority and that authority shall cancel the registration and the certificate of registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as Government may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make, it is satisfied that the vehicle is in such a condition that its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may, for reasons to be recorded in writing, cancel the registration of the vehicle.

(4) If a registering authority is satisfied, that a motor vehicle has been permanently removed out of Province, it shall cancel the registration of the vehicle.

(5) A registering authority or any prescribed authority can-. Calling the registration of a motor vehicle under this section shall communicate the fact, together with and the owner of the vehicle shall thereupon forthwith surrender to that authority the certificate of registration of the vehicle and any token or card issued to authorise the use of the vehicle in a public place.

(6) A registering authority making an order of cancellation
under this section shall, if it is the original registering authority, cancel the certificate of registration and the original registering authority, intimate in writing the fact of cancellation and the reasons therefor, and forward the certificate of registration and any token or card surrendered to it under sub-section (6), to the original registering authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(7) The expression "original registering authority" in this section and in section 31, 32, 33 and 34 means the registering authority in whose records the registration of the vehicle is recorded.

36. **Appeals**, (l) Any owner of a motor vehicle aggrieved by an order of refusal to register a motor vehicle made under section 28 or to issue a certificate of fitness made under sub-section (1) of section 39 or by an order of suspension or cancellation of registration made under section 34 or 35 or by an order of cancellation of the fitness certificate made under sub-section (3) of section 39 may, within thirty days of the date on which he has received notice of such order, appeal against the order in the prescribed manner to the prescribed authority.

(2) The appellate authority shall give notice of the appeal to the original authority, and after giving opportunity to the original authority and the appellant to be heard either personally or by pleader in the appeal, pass such orders as it thinks fit.

37. **Special requirement for registration of transport vehicles**, (l) A registering authority shall refuse to register any transport vehicle, other than a motor cab unless the application for registration is accompanied by a document in Form H as set forth in the First schedule signed by the maker of the vehicle or an assembler duly authorized by the maker in this behalf stating the maximum laden weight and maximum axle weights for which the vehicle is and the several axles are designed.

(2) Where a transport vehicle or chassis, as the case may be, has affixed to it a metal plate, bearing the stamp of the maker or assembler and identified as appertaining to the particular vehicle or chassis to which it is attached, which contains the particulars specified in sub-section (l), that plate may at the discretion of a registering authority be deemed to be the document referred to in that sub-section.
38. **Special particulars be recorded on registration of transport vehicles** - A registering authority, when registering a transport vehicle other than a motor cab, shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely:—

(a) The unladen weight of the vehicle;
(b) the number, nature and size of the tires attached to each wheel;
(c) the laden weight of the vehicle and the axle weight pertaining to the several axles thereof, determined in accordance with the tyre and Rim Manufactures Association load ratings for tyres as revised from time to time and approved by the provincial Transport Authority;
(d) if the vehicle is used, or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided, and the owner of the vehicle shall have the said particulars exhibited in the prescribed manner on the vehicle.

39. **Certificate of fitness of transport vehicle** - (1) Subject to the provision of section 40, a transport vehicle shall not be deemed to be validly registered for the purpose of section 23, unless it carries a certificate of fitness in Form I as set forth in the First Schedule, issued by the authority issuing the certificate to the effect that the vehicle complies for the time being with all the requirements of Chapter VI and the rules made thereunder; and where the prescribed authority refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal:

Provided that in case of a permit issued under section 60

(1) (a) a certificate of fitness shall remain effective for a period of six months and on the expiry of that period the permit shall be deemed to be suspended until a new certificate of fitness has been obtained; and

(2) Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for three years unless a shorter period, not being in any case less than six months, is specified in the certificate by the prescribed authority.
(3) Registration of vehicles, the property of the Central Government. The prescribed authority may, for reason to be recorded in writing cancel a certificate of fitness at any time if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Ordinance and the rules made thereunder; and on such cancellation the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter IV shall be deemed to be suspended until a new certificate of fitness has been obtained.

40. (l) The authorities specified in Part B of the Fourth Schedule may register any motor vehicle which is the property or for the time being under the exclusive control of the Central Government and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Central Government require to be registered otherwise under this Ordinance.

(2) A transport vehicle registered under this section shall carry a certificate of fitness in Form I as set forth in the First Schedule issued by the authority referred to in sub-section(l).

(3) An authority registering a vehicle under sub-section (l) shall assign to it a registration mark in accordance with the provisions contained in the Fourth Schedule and shall issue a certificate in respect of the vehicle that the vehicle has been registered under this section.

(4) If a vehicle registered under this section ceases to be the property or, under the exclusive control of the Central Government, The provisions of section 24 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (i) shall furnish to Government all such information regarding the general nature, overall dimensions, and axle weight of the vehicle as Government may at any time require.

41. Registration of vehicles the property of Foreign Diplomatic Consular and Trade Missions, (l) The registering authority may register any motor vehicle which is the property or for the time being under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission accredited to the Government of Pakistan, and shall assign to a vehicle so registered a registration mark in accordance with the provisions contained in the Seventh
Schedule, and shall issue a certificate in respect of that vehicle in Form G as set forth in the First Schedule:

Provided that the registration mark shall be exhibited only on the number plate supplied by the Ministry of Foreign Affairs and Commonwealth Relations of the Central Government.

(2) Any motor vehicle registered in accordance with the provisions of sub-section (1) shall not, so long as it remains the properly or under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission accredited to the Government of Pakistan, be required to be registered otherwise than under this ordinance.

(3) If a vehicle registered under this section ceases to be the, property or under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission, the provisions of section 24 shall thereupon apply.

42. **Application of Chapter III to trailers**, (1) The registration mark assigned to a trailer shall be displayed in the prescribed manner on the side of the vehicle.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train, as the case may be.

43. **Power to make rules**, (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities;

(c) The issue of certificates of registration and certificates of fitness and duplicate of such certificates to replace certificates lost, destroyed or mutilated;
(d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks;
(e) the manner in which registration marks and the particulars referred to in section 38, and other prescribed particulars shall be exhibited;
(ee) the authorizing of suitable automobile workshops to issue certificates of fitness, the licensing of such workshops, the equipment and apparatus to be maintained by such workshops, their inspection, the terms and conditions and the period for which, and the authorities by whom, the licences may be granted and renewed, and the fees to be paid for the grant and renewal of the licences;
(f) the fees to be charged for the issue of alteration of certificates of registration, for certificates of fitness, for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees;
(g) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;
(h) the forms, other than those set forth in the First Schedule, to be used for the purposes of this Chapter;
(i) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the province of particulars of such vehicles and of their registration;
(j) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under, the terms of a hiring agreement;
(k) the extension of the validity of certificates of fitness pending consideration of applications for their renewal;
(l) the exemption from the provisions of this Chapter and the conditions and fees for exemption of motor vehicles in the possession of dealers;
(m) the exemption of road-rollers, graders and other vehicles
designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder, and the conditions governing such exemption; and the exemption of light goods vehicles from the provisions of section 39 and the conditions governing such exemption.

CHAPTER IV
CONTROL OF TRANSPORT VEHICLES

44. Transport vehicles not to be used or driven without permit.
   (1) No owner of a transport vehicle shall use or permit the use of, and no driver of a transport vehicle shall drive or cause or permit to be driven, the vehicle in any public place, save in accordance with the conditions of a permit authorising the use or driving of the vehicle in such place granted or countersigned by a Regional or Provincial Transport Authority:

   Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a contract carriage:

   Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a good vehicle either when carrying passengers or not:

   Provided also that a public carrier's permit shall, subject to any conditions that may be specified in the permit, authorise the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.

   (2) In determining, for the purposes of this chapter, whether a transport vehicle is or is not used for the carriage of goods for hire or reward:

   (a) the delivery or collection by or on behalf of the owner of goods sold, used or let on hire or hire-purchase in the course of any trade or business carried on by him other than the trade or business of providing transport;

   (b) the delivery or collection by or on behalf of the owner of goods, which have been or which are to be subjected to a process or treatment in the course of a trade or business carried on by him, or

   (c) the carriage of goods in a transport vehicle by a manufacturer of or agent or dealer in such goods whilst the vehicle is being used for demonstration purposes:

   shall not be deemed to constitute a carrying of the goods for hire or reward; but the carriage in a transport vehicle of goods by a person not being a dealer in such goods who has acquired temporary ownership of the goods for the purpose of
transporting them to another place and there relinquishing ownership shall be deemed to constitute a carrying of the goods for hire or reward.

(3) Sub-section (1) shall not apply-
(a) to any transport vehicle owned by or on behalf of the Central or any Provincial Government and used for Public purposes unconnected with any commercial enterprise;
(b) to any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used solely for road cleaning, watering or conservancy purposes;
(e) to any transport vehicle used solely for conveyance of corpses;
(f) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;
(g) to any school bus; or
(h) to any trailer used for any purpose other than the carriage of goods for hire or reward when drawn by a motor vehicle constructed for the carriage of not more than six passengers excluding the driver.

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if Government by rules made under section 69 so prescribes, apply to any motor vehicle adapted to carry more than nine passengers excluding the driver.

45. **Power of Government to control road transport**, (I) Government, having regard to-
(a) The advantages offered to the public, trade and industry by the development of motor transport, and
(b) The desirability of-
   (I) Co-coordinating road and rail transport,
   (ii) Preventing the deterioration of the road system, and
   (iii) Preventing uneconomic competition among transport vehicles, and after having heard the representatives of the interests affected and having consulted the Provincial and Regional Transport Authorities concerned may, for reasons to be recorded in writing by a notification in the official Gazette-
   (i) prohibit or restrict throughout the province or in any area or on route within the province, subject to such conditions as it may think desirable, the conveying of long distance goods, traffic generally or of prescribed classes or goods, by private or public carriers; or
   (ii) fix maximum or minimum fares or freights for stage carriages and public carriers to be applicable throughout the province within any area or on any route within the province.

46. **Transport authorities**, (l) Government shall, by notification in the official Gazette, constitute-
   (i) a provincial Transport Authority of exercise and discharge throughout the province the powers and functions specified in sub-section (6);
   (ii) Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification, in respect of each Regional Transport Authority, the powers and functions conferred by or under- this Chapter on such authorities:

Provided that the area specified as- the region of a Regional Transport Authority shall in no case be less than an entire District.
(2) The Provincial Transport Authority or a Regional Transport Authority shall consist of such number of Government officers as Government may think fit to appoint, but no person who has any financial interests whether as proprietor, employee or otherwise in any transport undertaking, shall be appointed or continue as a member of the Provincial or a Regional Transport Authority.

Explanation- A person shall not be deemed to have any financial interest in a transport undertaking for the purposes of this section merely by reason of the fact that he is a member or an employee of the Railway Board or is a person, in the service of Pakistan or serving under the Corporation.

(3) If any person who is appointed as a member of the Provincial or a Regional Transport Authority has any such interest in a transport undertaking as is referred to in sub-section (2), he shall forthwith give notice of the same in writing to Government.

(4) If any member of the Provincial or a Regional Transport Authority during his term of office acquires any such interest in a transport undertaking as is referred to in sub-section (2), he shall within four weeks of acquiring such interest give notice of the same in writing to Government, and shall on the giving of such notice cease to be such member.

(5) If any person becomes a member or continues to remain as a member of the Provincial or a Regional Transport Authority in contravention of the provisions of this section he shall be deemed to have committed an offence against this Act.

(6) The Provincial Transport Authority shall exercise and discharge the following powers and functions, namely:

(i) to co-ordinate and regulate the activities and policies of the Regional Transport Authorities-
(ii) to perform the duties of a Regional Transport Authority-
   (a) where there is no such authority; or
   (b) where there is such authority if he thinks fit so to do and if so required by that authority;
(iii) to settle all disputes and decide all matters' on which
differences of opinion arise between the Regional Transport
Authorities; and
(iv) to discharge such other functions as may be prescribed.
(7) The Provincial Transport Authority may, subject to such
conditions as may be prescribed, issue to a Regional Transport
Authority such orders and direction of a general character in
respect of road transport as it may deem necessary, and the
Regional Transport Authority shall give effect to all such orders
and directions.
(8) The Provincial Transport Authority and any Regional
Transport if authorised in this behalf by rules made under
section 69, may delegate such of its powers and functions to such
authority, or person and subject to such restrictions, limitations
and conditions as may be prescribed by the said rules.

47. General provision as application for permit. (1) Every
application for a permit shall be made to the Regional Transport
Authority of the region or of one of the regions in which it is
proposed to use the vehicle or vehicles and, if the applicant
resides or has his principal place of business in any one of those
regions, to the Regional Transport Authority of that region.
(2) Nothing in sub-section (1) shall apply to road transport
services operated by the Corporation.

48. Application for stage carriage permit. An application for a
permit to use a motor vehicle as a stage carriage (in this Chapter
referred to as a stage carriage permit) shall contain the following
particulars namely;
(a) the type and seating capacity of the vehicle in respect of
which the application is made;
(b) the route or routes on which the area within which it is
intended to use the vehicle;
(c) The time table, if any, of the service to be provided;
(d) Whether the applicant is a Joint stock company registered
under the Companies Act, 1913, or a Co-operative Society
registered under the Cooperative Societies Act, 1925 or any
Other law for the time being in force in the province relating to co-operative societies;
(e) Where the applicant in as individual, whether he is a resident of the area in which the route falls;
(f) such other matters as may be prescribed.

49. **Procedure of regional Transport Authority in considering applications for stage carriage permit.** (1) A Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters, namely:-

(a) the interest of the public generally.
(b) the advantages to the public of the service to be provided, including the saving of time likely to be affected thereby and any convenience arising from journeys not being broken;
(c) the adequacy or otherwise of the existing passenger transport services, by any means, between the places to be served;
(d) the benefit to any particular locality or localities likely to be afforded by the service;
(e) the operation by the applicant of other transport services and in particular of unremunerative services in conjunction with enumerative services;
(f) whether the applicant will be able to maintain a reserve of twenty-five per cent of the vehicles meant for the route to meet abnormal seasonal traffic or an emergency such as the breakdown of vehicles;
(g) the capital actually invested and to be in the undertaking;
(h) Whether the applicant is a Joint stock company registered under the companies Act, 1913, Act Vli of 1913, or a co-operative Society registered under the co-operative Societies Act, 1925, or any other law for the time being in force in the province relating to co-operative societies, or is a firm or an individual;
(i) whether the Corporation is already operating on the route or
part of the route or intends to operate on the route or part of the route;
(j) the condition of the roads included in the proposed route or routes,
and shall also take into consideration any representations made by persons already providing road transport facilities along or near the proposed route or routes or by any local authority or police authority within whose jurisdiction and part of the proposed route or routes lies or lie, and any representation made by an association interested in the provision of road transport facilities,
(2) A Regional Transport Authority shall refuse to grant a stage carriage permit if it appears from any time table furnished under section 48 that the provisions of this Ordinance relating to the speed at which vehicles may be driven are likely to be contravened:
Provided that before such refusal an opportunity shall be given to the applicant to amend the time-table so as to conform to the said provisions

49-A. (1) When the Azad Kashmir Transport Authority has decided to grant a permit to an applicant, he shall be called upon to comply, within a specified period, with the following requirements before a permit is issued to him:
(a) furnish the registration number and model of the vehicle for which permit is to be issued;
(b) present his affidavit to the effect that he is the actual owner of the motor vehicle in respect of which the permit is to be issued,
Explanation-For the purposes of this Chapter "actual owner" means a person or a body of persons having proprietary rights in a motor vehicle acquired by way of purchase, gift, inheritance or under a hire-purchase agreement or as a result of the settlement of a lawful claim.
(c) furnish to the Azad Kashmir Transport Authority a bank guarantee of the prescribed sum as security for payment of any compensation that the applicant may be required to pay
under the provisions of Section 67, provided that the Azad Kashmir Transport Authority may call upon him to furnish cash security in the prescribed sum where it is not satisfied about the sufficiency of the bank guarantee and provided further that a certificate duly issued by a Transporters Mutual Assistance Cooperative Society registered under the Cooperative Act may be accepted in lieu of a bank guarantee, so long as this certificate remains valid and is not withdrawn.

(2) If the applicant fails to comply with all or any of the above requirements within the specified period, the authority may revoke the decision to grant a permit in his favor and proceed to grant the same to some other applicant.

50. **Power to restrict the number of stage carriages and impose conditions on stage carriage permits.** (1) The Provincial or a Regional Transport Authority shall-

a) have a thorough survey carried out; in such manner and such times as may be prescribed by rules made by Government, of the road passenger and transport services in the province or the region in which it exercises Jurisdiction;

b) fix the number of stage carriages or stage carriages of any specified type for which stage carriage permits may be granted in the region or any specified area or on any specified route within the region;

Provided that 'Government may,' whenever deemed necessary, order Azad Kashmir Transport Authority to introduce any new routes, or any number of additional permits for a existing route and grant the same to any particular party-or the parties.

(2) The Provincial or regional Transport Authority, as the case may be, may, after consideration of the matters set forth in sub-section (1) of section 49.

(a) refuse to grant a stage carriage permit, or grant within the limit fixed under clause (b) of sub-section (1), a stage carriage permit in respect of a particular stage carriage or a particular service of stage carriages in such form as it may, subject to the rubles made under section 69, deem fit:
Provided that no permit shall be granted to any person for a route other than the route specified in the application made by him under section 48;

(b) regulate timings of arrival or departure of stage carriages, whether they belong to one or more owners;

(c) attach to a stage carriage permit any prescribed condition or all or any of the following conditions, namely:-

(i) that the service specified in the permit shall be commenced not later than a specified date, and be continued for a specified period;

(ii) that a specified number of return trips of daily services shall be maintained on the route or routes specified in the permit and that they may be varied only in accordance with specified conditions;

(iii) that the stage carriage or stage carriages shall, be used only on specified routes or in a specified area;

(iv) that copies of fare table anytime-table approved, by the Regional Transport Authority shall be exhibited on the stage carriages and at their stands and slopes on the route, and that the time table and fare table so exhibited shall be observed;

(v) that not more than a specified number of passengers and not more than a specified amount of luggage shall be carried on any stage carriage at any one time;

(vi) that within municipal limits and in such other areas and places, as may be prescribed, passengers shall not be taken up or set down except at specified places;

(vii) that in case of a break-down of a stage carriage or other specified emergency on a route on which less than five stage carriages are plying, the holder of a permit to ply

(viii) vehicles on such route may, subject to specified conditions, ply on that route a vehicle not covered by a permit and obtain the requisite authorisation in this behalf from the Regional Transport Authority within a specified period.
(viii) that a reserve of a specified number or percentage of vehicles covered by the permit shall be kept by the permit holder to provide for special occasions and break-downs,
(ix) that the permit holder shall maintain such accounts and records of the operation of the services and shall submit such financial and statistical returns as may be required by the Regional or Provincial Transport Authority, and that the records and accounts shall be produced for inspection before the person or persons authorised in this behalf by the Regional or Provincial Transport Authority; and
(x) that tickets shall be issued to passengers for the fares paid.

(3) A condition shall be inserted in every stage carriage permit that in case of death of or injury to a passenger in the vehicle to which the permit relates arising out of the use of the vehicle, there shall be paid by the permit-holder as compensation-
(a) In case of death of a passenger, a sum of rupees eight thousand to the legal representatives of the deceased passenger, and;
(b) In case of an injury to a passenger the amount specified in the Thirteenth Schedule, to the injured passenger.

51. **Application for contract carriage permit.** An application for a permit to use a motor vehicle as a contract carriage (in this Chapter referred to as a contract carriage permit) shall contain the following particulars namely: -
(a) the name and address of the applicant; and
(b) the type and seating capacity of the vehicle;
(c) the area for which the permit is required;
(d) in the case of a motor vehicle other than a motor cab, the manner in which it is claimed that the public convenience will be served by the vehicle; and
(e) any other particulars which may be prescribed.
52. **Procedure of Regional Transport Authority in considering application for contract carriage permit.** A Regional Transport Authority shall, in deciding whether to grant or refuse a contract carriage permit, have regard to the extent to which additional contract carriages may be necessary or desirable in the public interest; and shall also take into consideration any representations made by persons already holding, contract carriage permits in the region or by any local authority or police authority in the region to the effect that the number of contract carriages for which permits have already been granted is sufficient for or in excess of the needs of the region or any area within the region.

53. **Power to restrict the number of contract carriages and impose conditions on contract carriage permits.** A Regional Transport Authority may, after consideration of the matters specified in section 52—

(a) fix the number of contract carriages generally or contract carriages of any specified type for which contract carriage permits may be granted, in the region or any specified area within the region;

(b) refuse to grant a contract carriage permit, or grant a contract carriage permit in respect of a particular contract carriage or a particular service of contract carriages in such form as it may, subject to the rules made under section 69, deem fit; provided that no person shall be granted a contract carriage permit for any area not specified in the application made by him under section 51;

(c) attach to the contract carriage permit any prescribed condition or all or any one of the following conditions, namely: -

(i) that the contract carriage or contract carriages shall be used only in a specified area or, on a specified route or routes;

(ii) that except in accordance with specified conditions no contract or hiring may be entered into for transporting goods or passengers in the contract carriage or carriages outside a specified area;

(iii) that subject to specify conditions, goods may be
carried in a contract carriage to the exclusion of or in addition to passengers;
(iv) that, in the case of motor cabs, specified fares shall be charged and a table of fares displayed on the vehicle;
(v) that, in the case of vehicles other than motor cabs, specified rates of hiring not exceeding specified maximum shall be charged;
(vi) that, in the case of motor cabs, a specified weight of passengers, luggage shall be carried free of charge and a specified charge shall be made for any luggage in excess of the luggage to be carried free of charge;
(vii) that a taxi meter shall be fitted to every motor cab;
(viii) that specified conditions of the permit shall be liable to be varied, and that further specified conditions may be attached to the permit by the authority at any time on due notice being given to the permit holder;
(ix) that the conditions of the permit shall not be departed from save with the approval of the authority.

54. Application for private carriers permit- An application for a permit to use a transport vehicle for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a private carrier’s permit) shall contain the following particulars, namely:-
(a) the type and carrying capacity of the vehicle;
(b) the nature of the goods which the applicant expects normally to carry in connection with his trade or business;
(c) the area for which the permit is required; and
(d) any other particulars which may be prescribed.

55. Procedure of Regional Transport Authority in considering application for a private carriers permit. (1) Where an application conforming to the provisions of section 54 for a private carrier’s permit has been received by the Regional Transport Authority, it shall if satisfied that the vehicle or
vehicles for which the permit is required will not be used except in connection with the business of the applicant, such business not being transport business, grant the applicant, on the payment of the prescribed fee a permit in the prescribed form in respect of the vehicle or vehicles specified in the application!

Provided that the Regional Transport Authority may, for reasons to be recorded in writing, a copy whereof shall be granted free of cost to the applicant, refuse to grant a permit, where -

(I) the applicant is the holder of a private carrier's permit which has been Suspended; or
(ii) any such permit previously held by the applicant has been cancelled; or
(iii) any such permit previously granted in respect of the vehicle or vehicles for which the permit, is applied for has been suspended or cancelled.

(2) A Regional Transport Authority may in granting a private carrier's permit impose conditions to be specified in the permit relating to the description of goods which may be carried, or the area in which the permit shall be valid, or the maximum laden weight and axle weight of any vehicles used.

(3) A Regional Transport Authority may on the application of the holder of a private carrier's permit granted by it, and subject to such conditions as it may attach, extend the operation of the permit to the region or to any area within the region of another Regional Transport Authority, and the requirements of section 65 as to counter-signature of permits shall not be applicable to any such permit:

Provided that nothing in this section shall authorise a Regional Transport Authority to grant a permit effective solely within the region of another Regional Transport Authority.

56. **Application for public carrier's permit** - An application for a permit to use a motor vehicle for the carriage of goods for hire or reward (in this Chapter referred to as a public carrier's permit) shall be made on the prescribed form and shall contain the prescribed particulars.
57. **Procedure of Regional Transport Authority in considering application for public carrier's permit.** (1) Where an application for a public carrier's permit conforming to the provisions of section 56. has been received by a Regional Transport Authority, it shall, on payment of the prescribed fees, grant a permit in the prescribed form in respect of the vehicle or vehicles specified in the application:

   Provided that the Regional Transport Authority may refuse to grant the permit where-
   (i) the applicant is the holder of a public carrier's permit which has been suspended; or
   (ii) any such permit previously held by the applicant has been cancelled; or
   (iii) any such permit previously granted in respect of the vehicles for which the permit is applied for has been suspended or cancelled.

(2) A Regional Transport Authority may on the application of the holder of a public carrier's permit granted by it, and subject to such conditions as it may attach, extend the operation of the permit to the region or to any area within the region of another Regional Transport Authority, and the requirements of section 65 as to countersignature of permits shall not be applicable to any such permit:

   Provided that nothing in this section shall authorise a Regional Transport Authority to grant a permit effective solely within the region of another Transport Authority.

58. **Power to restrict the number of and attach conditions to public carrier's permits.** The Regional Transport Authority may attach to a public carrier's permit all or any of the following conditions, namely:-

   (i) that the vehicle shall be used only on specified routes or in a specified area;
   (ii) that the laden weight and the axle weights of any vehicles used shall not exceed a specified maximum;
   (iii) that such records as may be prescribed relating to the plying
of the vehicles shall be maintained; and
(iv) that the vehicle used shall comply with such other specified
conditioner conditions appropriate to the service which the
Regional Transport Authority thinks proper to impose in the
public interest or with a view to prevent uneconomic competition
between road transport services.

59. **Procedure in applying for and granting permits**, (1) An appli-
cation for a permit or any kind of permit may be made at any
time.
(2) On receipt of an application for a stage carriage permit on
the appointed date or dates, the Regional Transport Authority
shall make the application available for inspection at its office,
and shall publish the application or the substance there of in the
prescribed manner together with a notice of the date before
which representations in connection there with may be
submitted, and the date, not being less than thirty days from such
publication, on which and the time and place at which, the
application arid .any" representation received will be con-
sidered.
(3) No representation in connection with an application referred
to in sub-section (3) shall be considered by the Regional
Transport Authority unless it is made in writing before the
appointed date and unless a copy thereof is furnished simultaneoulsy to the applicant by the person making such
representation.
(4) When any representation such as is referred to in sub-
section (-3) is made, the Regional Transport Authority shall
dispose of the application at a public hearing at which the
applicant and the person making the representation shall be
given an opportunity of being heard either in person or by a
duly- authorized representative.
(5) When any representation has been made by the persons or
authorities referred to in section 52 to the effect that the number
of contract carriages for which permits have already been
granted in any region or any area within a region is sufficient for
or in excess of the needs of the region or of such area, whether
such representation is made in connection with a particular
application for the grant of a contract carriage permit or
otherwise, the Regional Transport Authority may take any such
steps as it considers appropriate for the hearing, of the
representation in the presence of any persons likely to be affected thereby.
(6) When a Regional Transport Authority refuses an application for a permit of any kind it shall give to the applicant in writing its reasons for the refusal.

60. **Duration and renewal of permits.** (1) A permit other than a temporary permit issued under section 64 shall be effective without renewal for such "period not less than three years and not more than five years, as the Regional Transport Authority may in its discretion specify in the permit.
(ii) in the case of a stage carriage permit or a contract carriage permit, not being a permit to ply a motor-cab, for such period not being less than one year and not more than three years as the Azad Kashmir Transport Authority may, after considering the condition of the bus for the route in question, in its discretion specify in the permit; and
(iii) in the case of any other permit, for such period not being less than three years and not more than five years as the Azad Kashmir Transport Authority may, in its discretion specify in the permit.
(2) A permit may be renewed on an application made in that behalf in the prescribed manner and on payment of the prescribed fee for a period specified in sub-section (1)

61. **General conditions attaching to all permits**- (a) Save as provided in section 62, a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorized by the permit.
(2) The holder of a permit may, with the permission of the authority by which the permit was granted, replace by another vehicle of the same or substantially similar nature and capacity any vehicle covered by the permit.
(3) The following shall be conditions of every permit: -
(a) that the vehicle or vehicles to which the permit relates are at
all times so maintained as to comply with the requirements of Chapter V, and the rules made thereunder;
(b) that the vehicle or vehicles to which the permit relates are not driven at a speed permissible under this Ordinance.
(c) that any prohibition or restriction imposed and any maximum or minimum fares or freights fixed by notification made under section 45 are observed in connection with any vehicle or vehicles to which the permit relates;
(d) that the vehicle or vehicles to which the permit relates are not driven, in contravention of the provision of section 76;
(e) that the permit holder shall furnish to the Provincial Transport Authority or a Regional Transport Authority or an officer of the Transport Department authorized in this behalf, within such period of time as may be fixed by that authority or the officer, such information relating to the vehicle or vehicles covered by the permit or the permit holder's business as a carrier as may be required by that authority or officer;
(f) that the provisions of any law for the time being in force in the Province relating to insurance of motor vehicles so far as they apply to the holder of the permit are observed; and
(g) that the permit holder's business premises shall be according to a design approved by the Provincial Transport Authority and maintained properly.

Explanation-In this clause, business premises include bus stations, shelters, garages and repair shops for the vehicle or vehicles to which the permit relates.

62. Cancellation and suspension of permit. (1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit.
(a) on the breach of any condition specified in sub-section (3) of section 61 or of any other condition, contained in the permit; or
(b) if the holder of the permit uses or causes or allows a vehicle to which the permit relates to be used in any manner not
(c) if the holder of the permit ceases to possess the vehicle or vehicles covered by the permit; or
(d) if the holder of the permit has obtained the permit by fraud or mis-representation; or
(e) if the holder of a public carrier's permit fails, without reasonable cause, to ply the vehicle; or
(f) if the holder of the permit uses or causes or allows the vehicle or vehicles to be used for subversive activities against the State; or
(g) if the holder of the permit uses or causes or allows the vehicle or vehicles to be used for the transport of goods the movement of which is banned under any law for the time being in force, or for the commission of a cognizable offence; or
(h) if a forgery has been committed in respect of the permit or it has in any way otherwise been tampered with:

Provided that no permit shall be cancelled unless an opportunity has been given to the holder of the permit to submit his explanation and of being heard.

(2) Where a transport authority cancels or suspends a permit, it shall record in writing its reasons for the cancellation or suspension and shall give a copy thereof to the holder of the permit.

63. **Transfer of permit on death of holder.** (1) where the holder of a permit dies, the person succeeding to the possession of the vehicle or vehicles covered by the permit may, for a period of three months, use the permit as if it had been granted to himself:

Provided that such person has, within thirty days of the death of the holder, informed the transport authority which granted the permit of the death of the holder and of his intention to use the permit:

Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in
the hands of the deceased holder.

(2) The transport authority may, on application made to it within three months of the death of the holder of a permit, transfer the permit to the person succeeding to the possession of the vehicle covered by the permit.

64. Temporary permits-

(1) A Regional Transport Authority may, without following the procedure laid down in section 59, grant permits, to be effective for a limited period not exceeding four months, authorizing the use of a transport vehicle temporarily-

(a) for the conveyance of passengers, on special occasions such as to and from fairs and religious gatherings, or

(b) for the purposes of a seasonal business, or

(c) to meet any particular temporary need, or

(d) pending decision on an application for the grant of a permit, and may attach to any such permit any condition as it thinks fit.

64-A (1) The Azad Kashmir Transport Authority may, grant special permits to be effective for one return trip only authorizing the use of a motor vehicle for that trip as a public vehicle.

(2) The Azad Kashmir Transport Authority may, subject to such conditions as it may impose, in that behalf delegate its powers of issuing a permit under sub-section (1) to its Chairman any member or any Gazette Officer of Government.

65. Validation of permits for use outside region in which granted-

(a) A contract carriage permit or a stage carriage permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region.

(2) A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit, and may likewise vary any condition attached to the permit by the authority by which the permit was granted.
(3) The provisions of this Chapter relating to the grant, cancellation and suspension of permits shall apply to the grant, cancellation and suspension of countersignatures of permits.

(4) Notwithstanding anything in sub-section (1), a Regional Transport Authority of one region may, issue a temporary permit under clause (a) or clause (c) of section 64 to be valid in another region with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region.

66. Appeals. (1) Any person-
(a) aggrieved by the refusal of the Provincial or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him, or
(b) aggrieved by the cancellation or suspension of the permit or by any variation of the conditions thereof, or
(c) aggrieved by the refusal, to transfer the permit to the person succeeding on the death of the holder of a permit to the possession of the vehicle or vehicles covered by the permit, or
(d) aggrieved by the refusal of the Provincial or a Regional Transport Authority to countersign a permit, or by any condition attached to such countersignature, or
(e) aggrieved by the refusal to renew a permit, or
(f) being a local authority or police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof by any condition attached thereto, or
(g) being the holder of a licence, who is aggrieved by the refusal of a Regional Transport Authority to grant an authorisation to drive a public service vehicle,
may, within thirty days and in the prescribed manner, appeal to the prescribed authority, who after giving such person and the original authority an opportunity of being heard, pass such order, not inconsistent with the provision of this Ordinance or the rules framed thereunder, as it may deem fit:
Provided that the appellate authority shall not increase the number of permits granted by the Provincial Transport Authority or, a Regional Transport Authority.

(2) No appeal shall lie against any order passed under subsection (2) of section 45.

(3) Save as expressly provided in this Ordinance no Court or other authority shall have jurisdiction—
   (a) to entertain or adjudicate upon any matter which the provincial or a Regional Transport Authority or the prescribed authority is empowered by this Ordinance to dispose of or to determine,
   (b) to question the legality of anything done under this Ordinance by or at the instance of the Provincial or a Regional Transport Authority or the prescribed Authority.

(4) No Court or other authority shall be competent to grant an injunction or other order in relation to any proceedings before the Provincial or a Regional Transport Authority or the prescribed authority under this Ordinance or anything done or intended to be done by or at the instance of any such authority under this Ordinance.

67. Compensation for death of, or injury to, a passenger. (1) In case of death of, or injury to, a passenger in a stage carriage or a contract carriage, other than a motor cab, arising our of use of such carriage, there shall be paid by the permit holder of such carriage as compensation—
   (a) in case of death of a passenger, a sum of rupees eight thousand to the legal representatives of the passenger; and
   (b) in case of an injury to a passenger, the amount specified in the Eleventh Schedule, to the passenger.

(2) The compensation payable under sub-sectional) shall be in addition to any sum which the person entitled to receive compensation may receive or be eligible to receive under a policy of insurance under the provisions of section 95 of the Motor Vehicles Act, 1939 (ACT IV of 1939).

(3) Any contract for the conveyance of a passenger in a stage
carriage or contract carriage, other than a motor cab, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to negative or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger who is being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

67-A. Claims Tribunal. (1) Government may, by notification in the official Gazette, constitute a Claims tribunal for such area or areas as may be specified in the notification, for the purpose of adjudicating upon claims for compensation under section 67.

(2) A Claims Tribunal shall consist of one or more members as Government may deem fit to appoint, and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

67-B. Applications for compensation. (1) An application for compensation under section 67 may be made-

(a) by the person who has sustained the injury; or

(b) where death has resulted, by the legal representatives of the deceased passenger; or

(c) by an agent duly authorised by the person injured or the legal representatives of the deceased passenger, as the case may be.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident resulting in the death or injury, as the case may be, of the passenger, and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within ninety days of the accident:

Provided that the Claims Tribunal may entertain an application after the expiry of the said ninety days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.
67-C. On receipt of an application for compensation made under section 67-B the Claims Tribunal shall hold an inquiry into the claim, giving an opportunity to the parties of being heard, and pass an order determining, in accordance with the provisions of Section 67, amount of compensation payable and specifying the person or persons to whom the compensation shall be paid.

67-D. (3) in the holding of an inquiry under section 67-C, the Claims Tribunal shall, subject to any rules that may be made in this behalf by Government, follow such summary procedure as it thinks fit.

(2) The Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) The Claim Tribunal shall have all the powers of a Civil Court -
(a) for the purposes of taking evidence on oath, enforcing the attendance of witnesses and compelling the discovery and production of documents and material objects; and
(b) for such other purposes as may be prescribed.

67-E. (1) Subject to the provisions of sub-section (2) any person aggrieved by an order of the Claims Tribunal awarding or refusing to award compensation, may, within ninety days from the date of the order, prefer an appeal to the prescribed authority.

(2) No appeal shall lie under sub-section (1) if the amount in dispute in appeal does not exceed rupees one thousand.

67-F. Recovery of amount of compensation-
(a) Where any compensation has been awarded by the Claims Tribunal or the prescribed authority, and the same has not been paid to the person to whom it has been awarded, within seven days of the order awarding the compensation-
(b) if the compensation is payable by a person who has furnished a bank guarantee under section 94-A, the bank giving the guarantee shall on being required by the Tribunal deposit with the Tribunal the amount of compensation, or so much thereof as can be paid out of the amount secured under, the guarantee:
Provided that any amount of compensation which cannot be so recovered shall be recoverable in the manner provided in clause (b).

(b) If the compensation is payable by a person who has not furnished a bank guarantee under section 94-A the Claims Tribunal or the prescribed authority awarding the compensation may, on the application of the person entitled to receive the compensation, issue a certificate to the Collector and the Collector shall thereupon proceed to recover the amount specified in the certificate in the same manner as an arrear of land-revenue.

(2) Where any compensation has been paid under the provisions of clause (a) sub-section (1) out of any amount secured under section 49-A in respect of a stage carriage, the "permit in respect of such stage carriage shall stand suspended until the permit holder furnishes to the Regional Transport Authority which issued the permit, a fresh bank guarantee of the prescribed sum under the provisions of section 47-A.

67 Bar of jurisdiction. No Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by a Claims Tribunal, and no injunction in respect of any action taken or to be taken by or before a Claims Tribunal in respect of any claim for compensation shall be granted by a Civil Court:

Provided that an award given by a Claims Tribunal functioning in any province of West Pakistan, shall be enforceable in Azad Jammu and Kashmir in the same manner as if the same award was given by a Claims Tribunal functioning inside Azad Kashmir.

S8. Power to make rules as to stage carriages and contract carriage- (l) Government may make rules in respect of stage carriages and contract carriages-

(a) to provide for the licensing of persons acting as conductors of such carriages;

(b), to regulate the conduct/persons licensed to act as drivers of, and the conduct and duties of conductors of, such vehicles, when acting as such; and
(c) " to regulate the conduct of passengers in such vehicles.
(2) , Without prejudice to the generality of the foregoing
Provisions,-such rules may-
(a) authorise the removal from Such vehicle by the driver or
conductor, or on the request of the driver or conductor any
passenger, by any police officer, of any person infringing the
rules;
(b) require a passenger who is reasonably suspected by the
driver or conductor of contravening the rules to give his name
and address to a police officer or to the driver or conductor on
demand;
(c) require a passenger to declare, if so requested by the driver
or conductor, the journey he intends to take or has taken in the
vehicle and to pay the fare the whole of such journey and to
accept, any: ticket provided therefor;
(d) require, on demand being made for the purpose by the
driver or conductor of other person authorised by the owner of
the vehicle, production during the journey and surrender at the
end of the journey by the holder thereof any ticket issued to him;
(e) require a passenger, if so requested by the driver or
conductor, to leave the vehicle on the completion of the journey
for which he has paid the fare;
(f) require the surrender by the holder thereof on the expiry of
the period of Journey for which it is issued, of an issued ticket to
him;
(g) require the maintenance of complaint books in stage
carriages and prescribe the conditions under which passengers
may record any complaints in the same.

69. Power to make rules for the purposes of this Chapter, (l)
Government may make rules for the purposes of carrying into
effect the provisions of this Chapter.
(2) Without prejudice to the generality of the foregoing power,
rules under this section may be made with respect to all or any of
the following matters, namely:-
(i) the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities and the reports to be furnished by them;
(ii) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;
(iii) the forms to be used for the purposes of this Chapter, including the forms of permits;
(iv) the issue of copies of permits in place of permits mutilated, defaced, lost or destroyed;
(v) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed;
(vi) the badges and uniform to be worn by drivers and conductors of stage carriages and contract carriages;
(vii) the fees to be paid in respect of permits, duplicate permits, plates and badges;
(viii) the exemption of prescribed persons or classes of persons from payment of all or any portion of the fees payable under this Chapter.
(ix) the custody, production and cancellation on expiration of permits, and the return of permits which have become void or have been cancelled;
(x) the conditions subject to which a permit issued in one region shall be valid in another region;
(xi) the authorities to whom the time within which and the manner in which appeals may be preferred;
(xii) the construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas;
(xiii) the determination of the number of passengers as stage or contract carriage is adapted to carry and the number of
passengers which may be carried;  
(xiv) the conditions subject to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers;  
(xv) the safe custody and disposal of property left in a stage or contract carriage;  
(xvi) regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles in such color or manner as to induce any person to believe that the vehicle is used for the transport of mails;  
(xvii) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages, if used for such purposes;  
(xviii) the provision fitting taxi-meters of approved standard type on motor cabs, and the examining, testing and sealing of taxi-meters;  
(xix) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places other than duly notified stands or halting places, and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;  
(xx) the requirements which shall be complied within the construction use of any duly notified stand or halting piece, including the provision or adequate facilities for the conveyance of the users thereof, the fees, if any which may be charged for the use of such stands or places, the staff to be employed thereat and the duties and conduct of such staff and generally for maintaining such stands and places in a serviceable and clean condition;  
(xxii) the regulation of motor cab ranks;  
(xxii) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any
vehicle used for the conveyance of passengers for hire or reward;
(xxiii) authorising specified persons to enter at all reasonable
time and inspect all premises used by permit holders for the
purposes of their business;
(xxiv) requiring a person in charge of a stage carriage to carry
any person tendering the legal or customary fare;
(xxv) the conditions under which, the types of containers or
vehicles in which and the seasons during which animals or birds
may or may not be carried;
(xxvi) the licensing of and the regularization of the conduct of
agents or conveyers who engage in the sale of tickets for travel
by public service vehicles or otherwise solicit business for such
vehicles;
(xxvii) the licensing of and the regularization of the activities of
agents in the business of collecting, forwarding and distributing
of goods carried by transport vehicles;
(xxviii) the inspection of transport vehicles and their contents
and of the permits relating to them;
(xxix) the carriage of persons other than the driver in good
vehicles.
(xxx) the records to be maintained the returns to be furnished by
the owners of transport vehicles; and
(xxxi) the form in which applications should be made for grant
of permits;
(xxxii) the amount of security which should be made for the
grant of stage carriage and contract carriage permits; and
(xxxiv) any other matter which is to be or may be prescribed.
CHAPTER V.
CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF
MOTOR VEHICLES.

70. Every Motor vehicle shall be so constructed and so maintained
as to be at all times under the effective control of the person
driving the vehicle.

71. (1) Government may make rules regulating the construction,
equipment and maintenance of motor vehicles and trailers.
(2) Without prejudice to the generality of the foregoing power,
Government may make rules governing any of the following
matters either generally in respect of motor vehicles or trailers or
motor vehicles or trailers of a particular class or in particular
circumstances, namely:-

(a) the width, height, length and overhang of vehicles and of the
loads to be carried therein;
(b) seating arrangements in public service vehicles and the
protection of passengers against the weather;
(c) the size, nature and condition of tyres;
(d) brakes and steering gear;
(e) the use of safely glass;
(f) signalling appliances, lamps and reflectors;
(g) speed governors;
(h) the emission of smoke, visible vapour, sparks, ashes, grit or
oil
(i) the reduction of noise emitted by or caused by vehicles;
(j) prohibiting or restricting the use of audible signals at certain
times, or in certain places;
(k) prohibiting the carrying of appliance likely to cause annoyance or danger;
(l) the periodical testing and inspection of vehicles by
(m) the particulars, other than registration marks, to be exhibited by vehicles and the manner in which they shall be exhibited;
(n) the use of nailers or Semi-trailers with motor vehicles; and
(o) prohibiting or requiring the painting in particular colours of motor vehicles of particular description or for particular purposes or in particular area.

CHAPTER VI CONTROL OF TRAFFIC

72. **Limits of speed**, (l) No person shall drive a motor vehicle or car or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed fixed for the vehicle by or under this Ordinance or by or under any other law for the time being in force:
   Provided that such maximum speed shall in no case exceed the maximum fixed for the vehicle in the Eighth Schedule.

(2) Government or any authority authorised in this behalf by Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the official Gazette, fix such maximum speed limits as it thinks fit for motor vehicles or any specified class of motor vehicles or for motor vehicles to which a trailer is attached either generally or in a particular area or on a particular road or roads, and where any such restrictions are imposed, cause appropriate traffic signs to be placed or erected under section 79 at suitable places in such area or on or near such road or bridge, as the case may be.

(3) Nothing in this section shall apply to any vehicle registered under section 40 while it is being used in the execution of military manoeuvres within the area and during the period specified in a notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938.

73. **Limit of weight and limitation use**. (l) Government may prescribe conditions for the issue of permits for heavy transport vehicles by the Provincial or Regional Transport Authorities and
may prohibit or restrict the use of such vehicles in any area or route within the Province.

(2) Except as may be otherwise prescribed, no person shall drive or cause or allow to be driven in any public place any motor vehicle which is not fitted with pneumatic tyres.

(3) No person shall drive or cause or allow to be driven in any public place, any motor vehicle or trailer-
(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle; or
(b) the laden weight of which exceeds the registered laden weight specified in the certificate of registration; or
(c) any axle weight which exceeds the maximum axle weight specified for that axle in the certificate of registration.

(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or subsection (3) is not the owner, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.

**74. Power to have vehicle weighed.** Any person authorised in this behalf by Government may; if he has reason to believe that a goods vehicle or trailer :is being used , in contravention of section 73, require the driver to convey the vehicle to a weighing device, if any, within a distance of one mile from any point-on; the forward route or within a distance of five miles from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 76 regarding weight, he may, ' by order in writing direct the driver to convey the vehicle or trailer to the nearest place to be specified in the order, where facilities exist for the storage of goods, and not to remove the vehicle or trailer from that place until the laden weight or axle weight has been reduced or the vehicle has otherwise been treated so that it complies with the provisions of the last preceding section.

**75. Power to restrict the use of vehicles.** Government or any authority authorised in this behalf by Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by
notification in the official Gazette prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class of motor vehicles or the use of trailers either generally in a specified area or on a specified road, or bridge, and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 76 at suitable places in such area or on or , near such road or bridge, as the case may be:

Provided that where any prohibition or restriction under this section is to remain in force for a period of not more than one month, notification thereof shall not be necessary.

76. **Power to erect traffic signs.** (1) Government or any authority authorised in this behalf by Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle traffic.

(2) Traffic signs erected under this Chapter for any purpose for which provision is made in the Ninth Schedule shall be of the size, colour and type and shall have the meanings set forth in the Ninth Schedule, but Government or any authority empowered in this behalf by Government may make or authorize the addition to any sign set forth in the said Schedule of transcription or the words, letters or figures thereon in such script as Government may think fit; provided that the transcription shall be of similar size and colour to the words, letters or figures set forth in the Ninth Schedule.

(3) Except as provided by this Chapter, no traffic sign shall, after the commencement of this Ordinance be placed or erected on or near any road; but all traffic signs erected prior to the commencement of this Ordinance by any competent authority shall for the purposes of this Ordinance be deemed to be traffic signs erected under the provisions of this Chapter.

(4) Government or any authority authorised under sub-section (1) may remove or cause to be removed any sign or advertisement which, in its opinion, is so placed as to obscure any traffic sign from view or any sign or advertisement which is in its opinion, so similar in appearance to a traffic sign as to be misleading.

**Parking places and halting stations.** Government or any
authority authorised in this behalf by Government may, in consultation with the local authority having Jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for, taking up and setting down of passengers.

Main roads. Government or any authority authorised by it in this behalf may, by notification in the official Gazette or by the erection at suitable places of the appropriate traffic signs referred to in Part A of the Ninth Schedule, designate certain treads as main roads', for the purposes of the regulations contained in the Tenth Schedule.

Duty to obey traffic signs. (1) Every driver of motor vehicle shall drive the vehicle in conformity with any indication given by a mandatory traffic sign and in conformity with the driving regulations set forth in the Tenth Schedule, and shall comply with all directions given by any electrical traffic signalling device or by any police officer engaged in the regulation of traffic in any public place.

(2) In this section, "mandatory, traffic sign" means traffic sign included in Part A of the Ninth Schedule, of any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 76.

80 Signals and signalling devices. The driver of a motor vehicle shall on the occasions specified in the Eleventh Schedule make the signal specified therein;

Provided that the signal, of an intention to turn to the right or left or to stop may be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle.

81 Vehicles with left hand control. No person shall drive or cause or allow to be driven in any, public place any motor vehicle with a left hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature and in working order.

82 Leaving vehicle in dangerous position. No person in charge of
a motor vehicle shall cause or allow the vehicle or any trailer, to remain at rest on any road in such a position or in such a condition or in such circumstances as to cause or be likely to cause danger, obstruction or undue inconvenience to other users of the road.

83. **Riding on running boards**- No person driving or in charge of a motor vehicle shall carry any person or permit any person to be carried on the running board or otherwise than within the body of the vehicle:

Provided that Government may, by notification in the official Gazette, permit, in such areas as may be specified in the notification, the Civil Armed Forces, the Frontier Constabulary, the West Pakistan Rangers and the Armed Police to have an armed picket on the running board of a motor vehicle or otherwise than within the body of the vehicle.

84. **Obstruction of driver**- No person driving a motor vehicle shall, allow any person to stand or sit or anything to be placed in such manner or position as to hamper the driver in his control of the vehicle.

85. **Stationary vehicles**- No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.

86. **Pillion riding**. No driver of a two wheeled motor cycle shall carry more than one person in addition to himself on the cycle and no such person shall be carried otherwise than sitting on proper seat securely fixed to the cycle behind the driver's seat.

87. **Duty to produce licence and certificate of registration**- (1)

The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, or any officer of the Transport Department not below the rank of Sub Inspector, on production if so required of his authority, produce his licence and the certificate of registration of the vehicle and where, the vehicle is a transport vehicle, the certificate of fitness and the permit of the vehicle referred to in section 39 and 45, respectively, for examination.
(2) The owner of a motor vehicle, or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any person authorised in this behalf by Government, produce the certificate of registration of the vehicle and where the vehicle is a transport vehicle, the certificate of fitness referred to in section 39.

(3) If the licence or certificates, as the case may be, are not at the time in the possession of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the licence or certificates within ten days at any police station in the Province which he specifies to the officer or authority making the demand:

Provided that, except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply to a driver driving as a paid employee, or to the driver of a transport vehicle or to any person required to produce the certificate of registration or the certificate of fitness of a transport vehicle.

88. Railway crossing. (1) The driver of a transport vehicle who desires to pass over a Railway crossing shall cause the vehicle to stop before the crossing and shall not attempt to pass over the crossing unless the conductor of the vehicle, or where the vehicle has no conductor, a person authorised in this behalf by the owner of the vehicle in writing other than the driver of the vehicle, walks before the vehicle until it has cleared the railway lines.

(2) The name and particulars of the persons authorised by the owner under sub-section (1) shall be reported by the owner to the Registration Authority.

(3) A person shall not be deemed to have been authorised by the owner of the vehicle for the purposes of sub-section (1) unless he has in his possession at the time of performing the act required to be done under that sub-section the written authority of the owner in this behalf.

89. Duty of driver to stop in certain cases. (1) The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary-

(a) when required to do so by any police officer in uniform, or
(b) when required to do so by any person in charge of an animal if such person apprehends that the animal is, or being alarmed by the vehicle, will become unmanageable, or
(c) when the vehicle is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage, and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.

(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence punishable under section 99, give his mane and address to that person.

(3) In this section the expression "animal" means any horse, cattle, elephant, camel, ass, mule, sheep or goat.

90. Duty of owner of motor vehicle to give information. The owner of motor vehicle the driver of which is accused of any offence under this ordinance shall, on the demand of any police officer or an officer of the Transport Department authorised in this behalf by Government, give all information regarding the name and address of and the licence held by the driver which is in his possession or could by the exercise of due diligence be ascertained by him.

91. Duty of driver in case of accident and injury to a person, minor, and damage to property. When any accident occurs, in which a motor vehicle is involved, the driver of the vehicle or other person in-charge of the vehicle shall-
(a) if any person is injured as a result of such accident, take all reasonable steps to secure medical attention for the person so injured and, if necessary, convey/" him to the nearest hospital, unless the injured person or his guardian, in case he is a minor, desires otherwise;
(b) if any animal is injured as a result of such accident, take steps and endeavor to locate and report the matter to the
owner of custodian of the animal so injured and take all reasonable steps to secure medical attention, if necessary, for the animal,

(c) if any damage has been caused to any property as a result of such accident, take reasonable steps to report the damage to the party sustaining the damage; and

(d) give on demand by a police officer or an officer of the Transport Department authorised in this behalf by Government any information required by such officer relating to the occurrence, if no such officer is present, report the circumstances of occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence.

92. **Inspection of vehicle involved in accident.** When any accident occurs in which a motor vehicle is involved, any person authorised in this behalf by Government may, on production if so required of his authority, inspect the vehicle and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination:

Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned without unnecessary delay, and in no case later than forty-eight hours of its removal.

93. **Power to make rules-** (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the nature of the mechanical or electrical signalling devices which may be used on motor vehicles;
(b) the erection of electrical traffic signalling devices, and the types of such devices that may be installed;
(c) the removal and the safe custody of vehicles, including their loads, which have broken down or which have been left standing or have been abandoned on roads;
(d) the installation and use of weighing devices;
(e) the exemption from all or any of the provisions of this Chapter of emergency vehicles and other special classes of vehicles, subject to such conditions as may be prescribed;
(f) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;
(g) prohibiting the driving down hill of a motor vehicle with the gear disengaged, either generally or in a specified place;
(h) prohibiting the taking hold of or mounting of a motor vehicle in motion;
(i) prohibiting the use of the footpaths or pavements by motor vehicles:

(j) generally the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic.

CHAPTER VII
OFFENCES, PENALTIES AND PROCEDURE,

94. Offence relating to licences- Whoever, being disqualified under this ordinance for holding or obtaining a licence, drives a motor vehicle in a public place or applies for or obtains a licence or, not being entitled to have a licence issued to him free of endorsement, applies for or obtains a licence without disclosing the endorsements made on a licence previously held by him, or being disqualified under this ordinance for holding or obtaining a licence, uses a licence such as is referred to in sub-section (2) of section 30, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and any licence so obtained by him shall be of no effect.

and if the vehicle so driven is a transport vehicle or, the licence so applied for, obtained or used is a licence to drive a transport vehicle, shall be punished with imprisonment which may extend to two years: and with fine which may extend to rupees one thousand, and any licence so obtained: by, him; shall be of no effect.
95. **Driving at excessive speed.** (1) Whoever drives a motor vehicle in contravention of section 72 shall be punished with fine which may extend to one hundred rupees, and when the vehicle is a transport vehicle, with a fine which shall not be less than one hundred rupees and which may extend to five hundred rupees. (2) Whoever causes any person who is employed by him or is subject to his control to drive a motor vehicle in contravention of section 75 shall be punished with fine which may extend to two hundred rupees, and when the vehicle is a transport vehicle, with a fine which may extend to five hundred rupees. (3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical device. (4) The publication of a time table under which, or the giving of any direction that, any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for the journey or part of a journey to be completed in the specified time without infringing the provisions of section 72, be prima-facie evidence that the person who published the time table or gave the direction has committed an offence punishable under sub-section (2).

96. **Driving recklessly or dangerously,** (1) Whoever drives a motor vehicle at a speed or in a manner which is dangerous to human life or property, having regard to all the circumstances of the case, including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, and if the vehicle be a transport vehicle, with imprisonment which may extend to one year and with a fine which may extend to one thousand rupees. (2) Whoever, having been previously convicted of an offence specified in sub-section (3) shall, within three years of such
conviction, be guilty of an offence punishable under that sub-
section, shall be subject for every such subsequent offence to 
imprisonment of either description for a term which may extend 
to two years, or with fine which may extend to one thousand 
rupees, or with both, and where the vehicles is a transport 
vehicle, with imprisonment which may extend to four years and 
with fine which may extend to one thousand rupees.

97. **Driving while under the influence of drink or drugs**
Whoever while driving or attempting to drive a motor vehicle is 
under the influence of drink or a drug to such an extent as to be 
incapable to exercising proper control over the vehicle, shall be 
punishable with imprisonment for a term which may extend to 
six months, or with fine which may extend to one thousand 
rupees, or with both, and if having been previously convicted of 
such an offence, shall again be subject for every such subsequent 
offence to imprisonment of either description for a term which 
may extend to two years, or with fine which may extend to one 
 thousand rupees, or with both.

98. **Driving when mentally or physically unfit to drive.**
Whoever 
drives a motor vehicle in any public place when he is to his 
knowledge suffering from any disease or disability calculated to 
cause his driving of the vehicle to be a source of a danger to the 
public, shall be punished with fine which may extend to two 
hundred rupees, and if having been previously convicted of such 
an offence shall again be guilty of an offence punishable under 
this section. shall be subject for every such subsequent offence to 
fine which may extend to five hundred rupees.

99. **Punishment for abetment of certain offences.**
Whoever abets 
the commission of an offence under section 99, 100 or 101, shall 
be punishable with the punishment provided for the offence.

100. **Racing and trials of speed**- Whoever, without the written 
consent of Government permits or takes part in a race or trial of 
speed between motor vehicles in any public place shall be 
punished with imprisonment for a term which may extend to six 
months, or with fine which may extend to one thousand rupees, 
or with both.

101. **Using vehicle in unsafe condition.** Any person who drives or 
causes or allows to be driven in any public place a motor vehicle 
or trailer while the vehicle or trailer has any defect, which such 
person knows of, or could have discovered by the exercise of
ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, or if as a result of such defect an accident causing bodily injury to any person or animal or damage to property takes place, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.  

102. **Sale of vehicle in or alteration of vehicle to a condition contravening this ordinance.** Whoever, being an importer of or dealer in motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter V or any rule made thereunder or alters the motor vehicle or trailer as to render its condition such that its use in a public place would be in contravention of Chapter VI or any rule made thereunder shall be punished with fine which may extend to two hundred rupees:

Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used.

103. **Using vehicle without permit.** Whoever drives a motor vehicle or causes or allows a motor vehicle to be used or lets out a motor vehicle for use in contravention of the provisions of sub-section (1) of section 44 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, and if having been previously convicted of such an offence shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence to imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(2) Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or of food or materials to relieve distress or of medical supplies for a like purpose provided that the person using the vehicle reports such use to the Regional Transport Authority within seven days.
104. **Driving vehicle exceeding permissible weight.** Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 73 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 75 shall be punished with fine which may extend to one hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence under this section, shall be subject for every such subsequent offence to fine which may extend to five hundred rupees.

105. **Penalty for failing to stop in case of accident or failure to furnish information etc.** Whoever contravenes the provisions of clause (c) of sub-section 0) of section 89 or any of the provisions contained in section 91 or furnishes any information required to be made thereunder which he knows to be false shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

106. **Taking vehicle without authority.** Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both:

Provided that no accused person shall be convicted under this section if the Court is satisfied that the accused acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked to do so.

107. **Unauthorised interference with vehicle.** Whoever otherwise than with lawful authority or reasonable excuse, enters or mounts any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees, or with both.

108. **Disobedience of orders, obstruction and refusal of information.** Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this ordinance to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this ordinance to
discharge, or, being required by or under this Act to supply any information, with holds such information or gives information which he knows to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punished with fine which may extend to two hundred rupees.

109. **General provision for punishment of offences not otherwise provided for.** Whoever contravenes any provision of this ordinance or of any rules made thereunder shall, if no other penalty is provided for the offence under this ordinance be punished with fine which may extend to one hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence of fine which may extend to five hundred rupees.

110. **Power of arrest without warrant-** (1) A police officer in uniform may arrest without warrant any person who commits in his view an offence punishable under section 96 or section 97 or section 107:

Provided that any person so arrested in connection with an offence punishable under section 97 shall be subjected to a medical examination by a registered medical practitioner within two-hours of his arrest, and if not so subjected within the said period of two hours shall be released from custody.

(2) A police officer in uniform may arrest without warrant-

(a) any person who being, required under the provisions of this ordinance to gives His name and address refuses to do so, or

(b) any person concerned in an offence under this ordinance or reasonably suspected to have been so concerned, if the police officer has reason to believe that he will abscond or otherwise avoid the service of a summons.

(3) A police officer arresting without warrant the driver of a motor vehicle shall, if the circumstances so required, take or cause to be taken any steps he may consider proper for the temporary disposal and safe custody of the vehicle.

111. **Power of police officer to seize documents.-** Any police officer authorised in this behalf or other person authorised in this behalf
by Government may, if he has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced before him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Pakistan Penal Code, seize the mark or document and call upon [he driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document.

(2) Any police officer authorised in this behalf by Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this ordinance may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence, and the said Court may, on the appearance of such driver before it and on such terms as to security as it may deem fit, return the licence to him, and require him to surrender any temporary acknowledgement given to him under sub-section (3).

(3) A police officer seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgement therefor and such acknowledgement shall authorise the holder to drive any motor vehicle specified in this licence until the licence has been returned to him or up to a date which the Police Officer shall specially in the temporary acknowledgement whichever is earlier:

Provided that where for any cause in respect of which the holder of the licence is not at fault, he is unable to appear in the Court before the temporary acknowledgement ceases to be effective, any Magistrate or a police officer authorised by Government in this behalf may, on application made to him, substitute a later date in the temporary acknowledgement given under this sub-section.

112. **Power to detain vehicle used without certificate of registration or permit.** Any police officer authorised in this behalf or other person authorised in this behalf by Government may if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of section 23 or without the permit required by sub-section (1) of section 44 or in contravention of any condition of such permit relating to the route on which or the area in which or the
purpose for which the vehicle may be used, seize and detain the
vehicle, and for this purpose take or cause to be taken any steps
he may consider proper for the temporary safe custody of the
vehicle.

113. **Summary disposal of cases** - (l) A Court taking cognizance of
an offence under this Act shall, unless for reasons to be recorded
in writing, the Court directs otherwise or when the offence is an
offence specified in Part A of the Fifth Schedule, state upon the
summons to be served on the accused person that he-
(a) may appear by pleader and not in person, or
(b) may by a specified date prior to the hearing of the charge
plead guilty to the charge by registered letter and remit to the
Court such sum not exceeding seventy five rupees as the Court
may specify.

(2) Where the offence dealt with in accordance with sub-
section (l) is an offence specified in Part B of the Fifth Schedule,
the accused person shall, if he pleads guilty to the charge,
forward his licence to the Court with the letter containing his
plea in order that the conviction may be endorsed on the licence.

(3) Where an accused person pleads guilty and remits the sum
specified and has complied with the provisions of subsection (2),
no further proceedings in respect of the offence shall be taken
against him, nor shall he be liable to be disqualified for holding
or obtaining a licence by reason of his having pleaded guilty.

114. **Restriction on conviction** - No person prosecuted for an offence
punishable under section 96 or section 97 shall be convicted
unless-
(a) he was warned at the time the offence was committed that
the question of prosecuting him would be taken into
consideration, or
(b) within fourteen days from the commission of the offence a
notice specifying the nature of the offence and the time and place
where it is alleged to have been committed was served on or sent
by registered post to him or the person registered as the owner of
the vehicle at the time of the commission of the offence, or
within twenty-eight days from the commission of the offence, a summons for the offence was served on him:

Provided that nothing in this section shall apply where the Court is satisfied-

(a) the failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time: or

(b) such failure was brought about by the conduct of the accused.

115. **Jurisdiction of Courts.** No Court inferior to that of a Magistrate of the second class shall try any offence punishable under this ordinance or any rule made thereunder.

### CHAPTER VIII
**MISCELLANEOUS**

116. **Publication of and commencement of rules**—(1) Every power to make rules given by this ordinance is subject to the condition of the rules being made after previous publication.

(2) All rules made under this ordinance shall be published in the official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

117. **Appointment of motor vehicles officers,** (1) Government may, for the purpose of carrying into effect the provisions of this ordinance establish a Motor Vehicles Department and a Transport Department and appoint as officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

(3) Government may, make rules to regulate the discharge by officer1 of the Motor Vehicle Department and the Transport Department of their functions, and in particular and without prejudice to the generality of the foregoing power, to prescribe uniform to be worn by them, the authorities to which they shall
be subordinate, the duties to be performed by them, the powers to be exercised by them, and the conditions governing the exercise of such powers.

118. General provisions regarding appeals to prescribed appellate authorities—
(1) An appeal under sub-section (3) of section 14, sub-section (3) of section 16, sub-section (4) of section 17, sub-section (3) of section 36 or section 66 shall not operate as a stay of the order or proceedings under the order appealed from, except so far as the appellate authority may direct.
(2) In an appeal under this ordinance the order appealed from shall not be altered or reversed merely on account of any error, omission or irregularity, not materially affecting the merits, in the procedure or order of the original authority.

119. Repeal and savings. (1) The enactments specified in the Twelfth Schedule are hereby repealed to the extent specified against each.
(2) Notwithstanding the repeal of the enactments specified in the Twelfth Schedule, everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, licence, certificate or permit granted, rule made and order issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this ordinance continue in force and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, granted, made or issued under this ordinance.
FORM OF APPLICATION FOR LICENCE TO DRIVE A MOTOR VEHICLE

SECTION I
APPLICATION

I apply for a licence to enable me to drive as a paid employee.

______________________

*otherwise than as a paid employee vehicles of the following description:

(a) motor cycles,
(b) motor cars,
(c) invalid carriages,
(d) motor cabs,
(e) delivery vans,
(f) light transport vehicles *including public service vehicle.
   excluding
(g) heavy transport vehicles including public service vehicle:
   excluding
(h) tractors,
(i) road-rollers,
(j) locomotives,
(k) a vehicle of a special type (description attached) constructed or
   adapted to be driven by me.
(*Strike out whichever inapplicable).

SECTION II
PARTICULARS TO BE FURNISHED BY THE APPLICANT.

1. Full name and name of father______________________
2. Permanent address
3. Temporary address
4. Age on the date of the application
5. Particulars of any licence previously held by applicant_____
6. Particulars and date of every conviction which has been ordered to be endorsed on any licence held by the applicant.
7. Have you been disqualified for obtaining a licence to drive. If so, give date, testing authority and result of test.

THE FIRST SCHEDULE FORM A
FORM A-CONTD
SECTION III
DECLARATION AS TO PHYSICAL FITNESS OF APPLICANT

The applicant is requested to answer "Yes" or "No" in the space provided opposite each question-
(a) Do you suffer from epilepsy, or from sudden attacks of disabling giddiness or fainting? .
(b) Are you able to distinguish with each eye at a distance of twenty five yards in good daylight (with glasses, if worn) a motor-car number plate containing seven letters and figures? J
(c) Have you lost either hand or foot or are you suffering from any defect in movement, control, or muscular power of either arm or leg?
(d) Can you readily distinguish the pigmentary colours red and green?
(e) Do you suffer from night blindness?
(f) Do you suffer from a defect of hearing?
(g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be source of danger to the public?
If so, give particulars.

I declare that to the best of my information and belief the particulars given in section II and, the declaration made in section III hereof are true.

Note- An applicant who answers "Yes" to questions (b) and (c) in the
declaration and "No" to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified type or types,

Signature ,or thumb-impression of applicant.

Dated 19

CERTIFICATE OF TEST OF ABILITY TO DRIVE.

The applicant has passed/failed in the test specified in the Third Schedule to the Azad Jammu and Kashmir Motor Vehicles ordinance 1971. The test was conducted on*at___________ on.- (date)

Signature of Testing Authority.

Signature of thumb-impression of applicant.

*(Here enter description of vehicle).

THE FIRST SCHEDULE
FORM B FORM B
(See .section 41 (2), Section 7 (3) and Section 15)

FORM OF MEDICAL CERTIFICATE IN RESPECT OF AN APPLICANT FOR A LICENCE TO DRIVE ANY TRANSPORT VEHICLE OR TO DRIVE ANY VEHICLE AS A PAID EMPLOYEE

(To be filled up by a registered medical practitioner)

1. What is the applicant's apparent age?
2. Is the applicant subject to epilepsy, vertigo or any menial ailment likely to affect his efficiency?
3. Does the applicant suffer from any heart or lung disorder which might interfere with the performance of his duties as a driver?
4. (a) Is there any defect of visions? if so, has
(b) Can the applicant readily distinguish the pigmentary colours red and green?
(c) Does the applicant suffer from night blindness?
(d) Does the applicant suffer from a degree of deafness which would prevent his hearing the ordinary sound signals?

5. Has the applicant any deformity or loss of members which would interfere with the efficient performance of the duties as a driver?
6. Does he show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs?
7. Is he generally fit as regards (a) bodily health, and (b) eyesight?


I certify that to the best of my knowledge and belief the applicant is the person herein above described and that the attached photograph is a reasonably correct likeness of the applicant.

Signature

(Space for Photograph)

Name

Designation

Note- Special attention should be directed to distant vision and to the condition of the arms and hands and the joints of both extremities.
THE FIRST SCHEDULE FORM C
FORM C
(See section 8 (1) DRIVING LICENCE

N0. ___ 19
(Name)

son/daughter of (father's name) ___
of (permanent address) ___________

Signature or thumb impression

Photograph if necessary.

Licensed to drive/throughout the province of West Pakistan, vehicle of the following description:-
(a) Motor cycle.
(b) Motor car.
(c) Motor cab.
(d) Delivery van.
(e) Light transport vehicle.
(f) Heavy transport vehicle.
(g) Locomotive.
(h) Tractor.
(i) Invalid carriage.
(j) Road-roller.
(k) A motor vehicle hereunder described.

He is also authorised to drive as a paid employee. <*>This licence is valid from to . ;

(*To be struck out if inapplicable).

Signature and designation of Licensing Authority.
Date ___ 19

Authorisation to drive public service vehicle so long as this licence is valid and is renewed from time to time, the holder is authorised to drive a public service vehicle within the State of Jammu and Kashmir.

Signature and designation of prescribed Authority.
THE FIRST SCHEDULE. FORM C
FORM C - CONCLD.

This license is hereby renewed up to

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THE FIRST SCHEDULE - FORM D FORM D
(See section 9)

FORM OF APPLICATION FOR THE ADDITION OF A NEW CLASS OF VEHICLE TO A DRIVING LICENCE

I hereby apply for the addition of the following class/classes of motor vehicles to the attached licence:
(a) Motor cycle.
(b) Motor car.
(c) Motor cab.
(d) Delivery van.
(e) Light transport vehicle.
(f) Heavy transport vehicle.
(g) Locomotive.
(h) Tractor.
(i) Road-roller.
(j) Invalid carriage.
(k) Motor vehicle of a specified description.

* I enclose (a) a medical certificate,
  (b) three copies of a recent photograph.
* Required only where the applicant is not entitled to drive as a paid employee or a transport vehicle and now wishes to do so.

Signature of applicant.

Date 19
THE FIRST SCHEDULE - FORM E

FORM E

(See Section 12 (2). FORM OR APPLICATION FOR RENEWAL OF DRIVING LICENCE.

I hereby apply for a renewal of the licence under the Azad Jammu and Kashmir Motor Vehicles Act, 1971, which was issued to me on the_______BY_______ (state title of Licensing Authority).

I hereby declare that I am not subject to any disease or disability likely to cause my driving of motor vehicle to be a source of danger to the public.

Date ____19 Signature of applicant.

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THE FIRST SCHEDULE FORM .F
(SEE SECTION 25 (I)i.
FORM OF; APPLICATION FOR THE REGISTRATION OF • •
MOTOR VEHICLE
1. Full name, name of father, and address, of person to be registered as registered____________________
2. Class of vehicle __________________
3. Type of body_____________________
4. Maker's name-____________________
5. Year of manufacture________________
6. Number of cylinders'________________
7. Horse power____________________
8. Maker's classification or, if not known, wheel-base__________
9- Chasis number_____________________
10. Engine number___________________
11. Sealing capacity (including driver)___________________
12. Unladen weight___________________
13. Particular of previous registration and, registered No. (If Any ____________________________

Additional particulars to be completed only in the case of transport vehicles other than motor cabs
14. Number, description and size of tyres____________________
   (a) front axle____________________
   (b) rear axle____________________
   (c) any other axle__________________
15. Maximum laden weight_______________ Ibs.
16. Maximum axle weight_______________ Ibs.
   (a) front axle____________ Ibs.
   (b) rear axle____________ Ibs.
   (c) any other axle___________ Ibs.

The above particulars are to be filled in for a rigid frame motor vehicle of two or of three axles, for a semi-trailer of an articulated vehicle of three axles or to the extent applicable, for a trailer (other than the trailer to be registered as part of an articulated vehicle) as the case may be. Where a second trailer or additional trailers are to be registered with an articulated motor vehicle, the following particulars are to be furnished for each
17. Type of body
18. Unladen weight
19. Number, description and size of tyres on the axle.
20. Maximum axle weight

Explanation:- An articulated vehicle means a tractor to which a trailer is attached in such a manner that part or the trailer is superimposed on and part of the weight of the trailer is borne by the tractor.

Note:- The motor vehicle above described is held by the person to be registered as the registered owner, under a hire-purchase agreement with

Signature of owner

Signature of Hire-Purchase Company.
Registered Number______
Brief description of vehicle
(e.g. Ford touring car; Chevrolet 32 seater bus, Albion lorry, trailer, etc.)
Name, name of father and address of Registered owner______

Transferred to    Signature of Registering authority
Transferred to    Signature of Registering authority

Signature of Registering Authority.

Detailed Description

1. Class of vehicle_____________________
2. Maker's name_____________________
3. Type of body_____________________
4. Year of manufacture_______________
5. Number of cylinder________________
6. Chasis Number____________________
7. Engine Number____________________

Horse power________________________
Maker's classification or, if not known, wheel base_________

Seating capacity (including driver)_____________________

Unladen weight  Additional a particulars in the' case of all transport
vehicles other then motor cabs_____________________

Registered laden weight_____________________

13. Number, description and size of tyres.
(a)    front axle________
(b)    rear axle________
(c)    any other axle    

14. Registered axle weight____________
(a)    front axle_________Ibs.
(b)    rear axle_________Ibs.
(c)    any other axle_________Ibs.

Additional particulars of alternative or additional trailer or trailers
Registered with an articulated vehicle-

15. Type of body_____________________

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16. Unladen weight____________________________
17. Number, description and size of tyres on the axle________
18. Registered axle weight_______ lbs.

Date_______ 19 Signature of Registering Authority

Note:-The motor vehicle above described is held by the person registered as the registered owner under a hire-purchase agreement with .

Date_______ 19 Signature of Registering Authority.
THE FIRST SCHEDULE-FORM H

FORM H (See section 37)

DOCUMENT TO BE FURNISHED BY THE MAKER OR AUTHORISED ASSEMBLER IN THE CASE OF TRANSPORT VEHICLES OTHER THAN MOTOR CABS.

Certified that the vehicle Chasis? No. _______ and Engine No manufactured by _______ in the year has a wheel base of _______ and is designed for maximum weights as follows when titled with the tyre-equipment specified below:-

Maximum Laden weight _______
Maximum weight front axle _______
Maximum weight rear axle _______
Maximum weight any other axle _______

Tyres—
Front wheels
Rear wheels
Other wheels

Date 19 Signature of maker or authorised assembler.

Special certificate to be furnished by an assembler
Certified that I am authorised by the maker of the vehicle described above to issue this Certificate.

Signature of authorised assembler-
CERTIFICATE OF FITNESS (APPLICABLE IN THE CASE OF TRANSPORT VEHICLES ONLY)

Vehicle No_______ is certified as complying with the provisions of Chapter for the Azad Jammu and Kashmir Motor Vehicle ordinance 1971, and the rules made thereunder. This certificate will expire on ;

Date_______19 Signature and Designation, of Inspecting Authority.

To certificate of fitness is hereby renewed:-

Upto_______19 Signature of Inspecting Authority.

Upto_______19 Signature of Inspecting Authority.

Upto_______19 Signature of Inspecting Authority.
THE SECOND SCHEDULE
(See section 7 (5)

1. Diseases and disabilities absolutely disqualifying a person for obtaining a licence to drive a motor vehicle.

1. Epilepsy.

2. Lunacy.

3. Heart disease likely to produce sudden attack of giddiness or fainting.

4. Inability to distinguish with each eye at a distance of twenty-five yards in, good daylight (with the aid of glasses, if worn) a series of seven letters and figures in white on a black ground of the same size and arrangement as those of the registration mark of a motor car.

5. A degree of deafness which prevents the applicant from hearing, without hearing aids, the ordinary sound signals.

6. Colour blindness or inability readily to distinguish the pigmentary colours red and green.

7. Night blindness.

Diseases and disabilities absolutely disqualifying a person for obtaining a licence to drive a public Service vehicle.

1. Leprosy.
THE THIRD SCHEDULE
(See Section 7 (6) and 18 (5)
TEST OF COMPETENCE OF DRIVE
PART I

The candidate, shall satisfy the person conducting the test that he is able to____

(1) start the engine of the vehicle;
(2) move away straight ahead or at an angle,
(3) overtake, meet or cross the path of other vehicle and take an appropriate course;
(4) turn right and left corners correctly;
(5) stop the vehicle in an emergency and normally, and in the latter case bring to rest at an appropriate part of the road;
(6) drive the vehicle backwards and whilst so doing enter a limited opening either to the right or left;
(7) cause the vehicle to face in the opposite direction by means of forward and reverse gears;
(8) give by hand and by mechanical means (if fitted to the vehicle) or in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions;
(9) act correctly and promptly on all signals given by traffic signs and traffic controllers, and take appropriate action on signs given by other road users,

Note- (i) Requirements 6 and 7 are not applicable in the case of a motor cycle or tricycle not equipped with means for reversing.
(ii) Requirements 6, 7 and 8 are not applicable in the case of invalid carriages.
A candidate shall be deemed to have failed in the test, if during a road test, he does any three or more of the following acts or any one of such acts more than once:—

A. Starting.
   (1) Fails to look around before starting.
   (2) Noisy and uncertain gear shifting.
   (3) Stays too long in low or second gear.
   (4) Unnecessary fast get away.
   (5) Stalls motor.
   (6) Fails to signal.

B. Stopping.
   (1) Fails to signal.
   (2) Slows down too suddenly.
   (3) Fails to use rear-view mirror.

C. Turning
   (1) Fails to get into proper lane in time.
   (2) Fails to signal.
   (3) Fails to check traffic.
   (4) Swings wide to the right or cuts corners to the left.
   (5) Fails to complete turn in proper lane.

D. Backing
   (1) Fails to look behind before and while backing.
   (2) Uncertain Steering when backing.

E. Parking.
   (1) Hits with a jolt other cars to parking
   (2) Climbs curb in parking.
   (3) Parks too far from curb.
   (4) Forgets to set emergency brake.
   (5) Parks too fast for proper control.

Traffic Signals.
   (1) Fails to notice signals.
   (2) Runs through stop signal.

G. Signs.
   (1) Does not come to a stop on a signal or at a sign requiring, him to do so.
   (2) Does not notice caution or warning signs.
   (3) Fails to observe direction signs Passing.
H. Passing
(1) Does not await clear distance ahead.
(2) Passes a vehicle in intersection when unlawful or dangerous to do so
(3) Passes vehicle on right where unlawful.
(4) Fails to use horn when necessary.
(5) Too little speed in overtaking,
(6) Cuts in too quickly ahead.

I. Hills.
(1) Cannot shift gears on an upgrade or when going down.
(2) Cannot stop and start on hill without rolling backward.
(3) Descends in neutral.

J. Speed.
(1) Drives at speeds greater than ability warrants.
(2) Too fast over rough roads, around corners, through blind intersections and in business districts.
(3) Tendency to lay and catch up.
(4) Slows down while passing through an intersection or around a curve, rather than before reaching.
(5) Hinders traffic by driving slowly in centre of street.

K. Attention.
(1) Looks down when shifting gears.
(2) Turns hi^ head when talking.
(3) Fails to notice dangerous stops.
(4) Does not give complete attention to all intersection.

L. Attitude towards others.
(1) Depends on others for safety.
(2) Takes right of way at intersection when not entitled thereto.
(3) Inconsiderate to pedestrians.
(4) Fails to anticipate what others may do.

M. Miscellaneous.
(1) Stalls at intersections.
(2) Fails to keep in correct lane.
(3) Follows to closely other vehicles.
(4) Uses horn too much.
(5) Shifts into wrong gear, such as reverse instead of second.
(6) Passes standing street cars where unlawful.
(7) Speeds up when being overtaken.
(8) Reacts slowly in emergency.
(9) Careless about using proper hand signals or does not make signal clearly.
(10) Unduly nervous.
(11) Over-cautious.
(12) Reckless or careless.
(13) General in experience.

PART II
(TEST OF TRAFFIC LAWS CORRECT ROAD BEHAVIOUR OF APPLICANT)
The candidate shall satisfy the Examiner that he is cognizant of the provisions of sections 82, 83, 84, 85, and of the Tenth Schedule, that he knows the meaning of the traffic signs specified in the Ninth Schedule and the general provisions of the Highway Code.

PART III
(TEST OF PHYSICAL FITNESS)
The candidate shall satisfy the Examiner that he is not subject to any disease or disability likely to cause his driving of a motor vehicle to be a source of danger to the public and particularly that-
(a) he can read from a distance of twenty-five yards a registration plate bearing letters and figures three inches high or decipher other similar letters or figures of the same size from a distance of twenty-five yards with or without spectacles;
(b) his field of vision is not less than 130 degree,
(c) he can readily distinguish pigmentary colours, red and green,
(d) he can hear ordinary sound signals with the help of hearing aid;
(e) he is not suffering from epilepsy, paralysis, Serious heart disorders or menial disorders.
THE FOURTH SCHEDULE
(See Section 15 (l) and 400 (l) and (3)
AUTHORITIES ENTITLED TO GRANT LICENCE TO DRIVE
AND TO REGISTER MOTOR VEHICLES, THE PROPERTY
OR FOR THE TIME BEING UNDER THE EXCLUSIVE
CONTROL OF THE CENTRAL GOVERNMENT, & REGISTRATION
MARKS FOR SUCH VEHICLES.

PART A
The authorities specified in the second-column may grant licences in
respect of vehicles, the property or for the time being under the exclusive
control of the Department of the Central
Government specified in the first column.
Defence Department of the Central

2. Commanders of Independent
brigades.
(3) Officers commanding units having
mechanical propelled vehicles in their
charge. (4) Commanders, Pakistan
Engineers.

PART B
The authorities specified in the second column may register
motor vehicle the property or for the time being under the exclusive
control of the Department of the Central Government specified in the
first column and may grant, certificates of fitness in respect of such
vehicles.
Defence Department of the Central Government.
The Master-General of the Act "in Pakistan or any person
authorized ,by him. in this behalf-.

PART C
Registration marks for vehicles registered under section 40.
A broad arrow followed by not more han six figures, or a broad
arrow followed by a single letter and,.not more lh.at five
figures.
THE FIFTH SCHEDULE (See sections 20 (2) and (3) and (153)
OFFENCES ON CONVICTION OF WHICH AN ENDORSEMENT
SHALL BE MADE ON THE LICENCE OF THE PERSON
AFFECTED.
PART A

1. Driving when disqualified (section 19)
2. Failing to stop on the occurrence of an accident (section 89)
3. Obtaining or applying for a licence without giving particulars of
endorsement (section 94)
4. Driving recklessly or dangerously (section 96).
5. Driving while drunk or under the influence of any drug (section 97).
6. Abetment of an offence under section 96 or section 97.
7. Taking part in an unauthorized race or trial of speed (section 100).
8. Altering a licence or using an altered licence.
9. Any offence punishable with imprisonment in the commission of
   which a motor vehicle was used.
   1. Driving without a licence, or without a licence which is
      effective, or without a licence applicable to the vehicle driven
      (section 3).
   2. Allowing a licence to be used by another person (section
      6).
   3. Driving at excessive speed (section 95).
   4. Driving when mentally or physically unfit to drive (section
      98).
   5. Abetment of an offence punishable under section 95 or 98).
   6. Refusing or failing within specified time to produce licence
      (section 87).
   7. "J:aiursg EO stop when required (section 89).
   8. Driving a transport vehicle not covered by a certificate of fitness
      (section 39).
10. Driving in contravention of any rule made under section 73 (2) relating to speed governors.
11. Driving a vehicle exceeding the permissible limit of weight (section 104).
12. Failure to comply with a requisition made under (section 74).
13. Using a vehicle in unsafe condition (section 101).
14. Driving a transport vehicle in contravention of section

THE SIXTH SCHEDULE (See sections 25 (3) and 30 (2).
REGISTRATION MARKS.

The letters A.J.K. shall be used as registration mark for registration of vehicle in Azad Kashmir by Registering Authorities.
THE SEVENTH SCHEDULE (See section 72).
LIMITS OF SPEED FOR MOTOR VEHICLES
CLASS OF VEHICLES.

Maximum speed per hour.

1. Passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects-
   (a) if all the wheels are fitted with pneumatic tyres and the vehicle is not drawing a trailer-
      (i) if the vehicle is a motor cycle, motor car or motor cab......No limit.
      (ii) if the vehicle is a public service vehicle other than a motor cab capable of carrying not, more than 14 passengers excluding driver 45
           (iii) if the vehicle is a public service vehicle capable of carrying more than 14 passengers excluding driver. 40;
      (b) if the vehicle, being a motor car or motor cab, is drawing a two wheeled trailer of a laden weight not exceeding 1700 pounds avoirdupois, and if all the wheels of the vehicles and trailer are fitted with pneumatic tyres...........30
      (c) any other vehicle, including an invalid carriage........20

2. Goods vehicle, that is to say, vehicles constructed or adapted for use or used for the conveyance of goods-
   (a) if all the wheels are fitted with pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer....No limit............
   (b) if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 22,400 pounds avoirdupois and the vehicles; is not drawing a trailer....30...........
   (c) in any other case....15............

Tractors-
   (a) if drawing not more than one trailer and all the 'wheels of the tractor and trailer are fitted with pneumatic tyres....! 5..........................
   (b) in any other case....6

Locomotives, whether drawing a trailer or not....6.................
THE EIGHTH SCHEDULE
(See section 76, 78 and 79)
TRAFFIC SNDJS PART A- MANDATORY SIGNS

Notes. (1) The figure 20 given merely as an example. The actual figures will be prescribed in each case where this sign is used.
(2) The general design of the Post is given for guidance.
(3) Where the speed limit is', or is to be, imposed only on a certain class or classes of motor vehicles the class or classes will be specified on the "definition plate". Where in addition to a general speed limit applicable to other motor vehicles a special speed limit is OJ.I5 to be, imposed on vehicles of a certain class or classes the genera speed limit will be specified on the disc and the special speed limit together with the class or classes of vehicles to which it applies will be specified on the "definition plate."
THE EIGHTH SCHEDULE CONTD
No. 32 WEIGHT LIMIT

/ AXIESOVER TO/VS
20ftNcH- o 4 Direction Sign

No 3 Total Prohibition
No. 3 A STS
Note,......Sign No. 5 as here set forth may be amplified by instructions inscribed upon a definition plate placed below it as in the general arrangement set forth in Sign No I of this Part. Upon the definition plate may be set forth the times during which parking is prohibited. In like manner an arrow and inscribed on the definition plate will indicate that parking is prohibited on that part of the street or road lying to the side of the sign to which the arrow-head points.

No. 6 OVERTAKING^ PROHIBITED

No. 7 USE OF SOUND SIGNAL PROHIBITED
THE EIGHTH SCHEDULE-CONTD.
No 8 MAIN ROAD AHEAD
THE EIGHTH SCHEDULE Contd.
No. 1 ROUGH ROAD

No. 2 ZIG ZAG (LEFT)

No. 2 ZIG-ZAG

No. 3 CROSS ROAD

No 4 LEVEL CROSS GUARDED
No 5 LEVEL CROSS UNGUARDED

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THE EIGHTH SCHEDULE

No. 6 Contd. No. 6
RIGHT ROAD LEFT TURN
No. y
DEAD END CROSS
ROAD

No. 7 SCHOOL

NO 9 SIDE ROAD(RIGHT)
No. 2 ' ' ROAD JUNCTION APPROACH
No. 4 PARKING SIGN
1. The driver of a motor vehicle shall drive the vehicle as close to the left hand side of the road as may be expedient, and shall allow all traffic which is proceeding in the opposite direction to pass him on his right hand side.

2. Except as provided in regulation 3, the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself.

3. The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated an intention to turn to the right has drawn to the centre of the road and may pass a tram-car or other vehicle running on fixed rails, whether travelling in the same direction as himself or otherwise, on either side:

   Provided that in no case shall he pass a tram-car, at a time or in the manner likely to cause danger or inconvenience to other users of the road or pass on the left hand side of a tram-car, which, when in motion, would be travelling in the same direction as himself, while the tram-car is at rest for the purpose of setting down or taking up passengers.

4. The driver of a motor vehicle shall not pass a vehicle travelling in the same direction as himself:

   (a) if his passing is likely to cause inconvenience or danger to other traffic preceding in any direction; or

   (b) where a point or corner or a hill or an obstruction of any kind renders the road ahead not clearly visible.

5. The driver of a motor vehicle shall not, when being overtaken or being passed by another vehicle, increase speed or do anything in any way to prevent the other vehicle from passing him.

6. The driver of a motor vehicle shall slow down when approaching a road intersection, a road corner, and shall not enter any such intersection or junction until he has become aware that he may do so without endangering the safety of persons.
7. The driver of a motor vehicle shall on entering a road intersection if the road entered is a main road, designated as such, given away to the vehicles proceeding along that road and in any other case given way to all Traffic approaching the intersection on his right hand.

8. The driver of a motor vehicle shall, when passing or meeting a Procession or a body of troops or police on the march or when passing workmen engaged or road repair drive at a speed not greater than fifteen miles an hour.

9. The driver of a motor vehicle shall-
   (a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering;
   (b) when turning to the right, draw as near as may be to the centre of the road along which he is travelling, and cause the vehicle to move in such a manner that-
      (i) for as may be practicable, if passess beyond, and so as to leave on driver's right hand, a point formed by the intersection of the centre lines of the intersection roads, and
      (ii) it arrives as near as may be at the left hand side on the road which the driver is entering.
THE TENTH SCHEDULE (See Section 80).

SIGNALS

1. When about; to turn to the right or to drive to the right hand side of the road in order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front.

2. When about to turn to the left or to drive to the left hand side of the road, a driver shall extend his right arm and rotate it in an anti-clockwise direction.

3. When about to slow down, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall move the arm so extended up and down several times in such a manner that the signals can be seen by the driver of any vehicle which may be behind him.

4. When about to stop, a driver shall raise his right forearm vertically outside of and to the right of the vehicle, palm to the front.

5. When a driver wishes to indicate to the driver of a vehicle behind him that he desires that driver to overtake him, he shall extend his right arm and hand horizontally outside of and to the right of the vehicle and shall swing the arm back-wards and forwards in a semi-circular motion.
In exercise of the powers conferred by sub-section (1) of Section 549 of the Code of Criminal Procedure, 1898 (Act. No. 1 of 1898), the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules as to cases in which persons subject to military law shall be tried by a Court to which the said Code applies, or by court-martial, namely:-

1. These rules may be called the Azad Jammu and Kashmir Criminal Procedure (Military Offenders) Rules, 1971.

2. Where a person subject to military law is brought before a Magistrate and charged with an offence for which he is liable, under Pakistan Army Act, i 952 (as in force in Azad Jammu and Kashmir Territory), to be tried by a Court-martial, such Magistrate unless he is moved by the competent military authority, as the case may be, to proceed against the accused under the Code, shall before so proceeding give notice to such authority and, until the expiry of a period of fifteen days from the date of service of such notice, shall not:-
   (a) convict the accused under section 243, acquit him under Section 247 or section 248, or hear him in his defence under section 244 of the Code, or
   (b) frame a charge against the accused under section 2.54 of the Code, or
   (c) make an order committing the accused for trial by the High Court or the Court of Session under Section 213 of the Code, or
   (d) transfer the case for enquiry or trial under section 192 of the Code.
3- Where, within the period of fifteen days, mentioned in rule 2, or at any time thereafter before the Magistrate "has done any act or issued any orders referred to in the rule," the competent military authority, as the case may be, gives notice to the Magistrate that the accused should be tried by court-martial, the Magistrate shall stay proceedings and if the accused is in his power or under his control, shall deliver him, with the statement prescribed by section 549 of the Code, to the authority specified in the said section.

4. Where a Magistrate has been moved by competent military authority, as the case may be, under rule 3, and such an authority subsequently gives notice to such Magistrate that, in the opinion of such authority the accused should be tried by court-martial, such Magistrate, if he has not, before receiving such notice done any act or issued any order referred to in rule 2 shall stay proceedings and, if the accused is in his power or under his control, shall in the like manner deliver him, with the statement prescribed in section 549 of the Code, to the authority specified in the said section.

5. Where an accused person, having been delivered by the Magistrate under rule 3 or 4 is not tried by a court-martial for the offence of which he is accused, or other effectual proceedings are not taken, or ordered to be taken, against him, the Magistrate shall report the circumstance to the Government.

6. (1) Notwithstanding anything to the contrary contained in rule 2, 3 or 4, where it comes to the notice of a Magistrate that a person subject to military law has committed an offence proceedings in respect of which ought to be instituted before him, the Magistrate may by a written notice require the competent military authority, at the option of such authority either to deliver such person, if in his custody, to the nearest Magistrate for being proceeded against according to law, or to stay the proceedings instituted, and to make a reference to the Government for determination as to the court before which proceedings should be instituted.

(2) The competent military authority to whom a notice is issued under sub-rule (1) shall either deliver the offender in accordance with the notice or refer the question of the trial to the Government, whose order upon such a reference shall be final.

7. In these rules, unless there is anything repugnant in the subject or
(a) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898);

(b) 'Competent military authority' means an officer having powers not less than those of an independent Brigade or Line of Communication Sub-Area Commander under whom, or the officer Commanding the Station in which, the accused person is serving, provided that where death has resulted, the competent authority shall be an officer having powers not less than those of an independent Brigade or Line of Communication sub-Area Commander;

(c) 'court-martial' includes an officer exercising authority under section 23 of the Pakistan Army Act, (XXXIX 3952); or

(d) 'person subject to military law' includes a person not otherwise subject to any such law who is brought before a Magistrate and is accused of an offence mentioned in clause (d) of section 2 of the Pakistan Army-Act, 1952 (XXXIX of 1952);

(e) 'Government' means the Azad Government of the State of Jammu and Kashmir,

1. (I) Short title: These rules may be called the Azad Kashmir Government servants (Medical Attendance) Rules 1971.

(2) Extent of Application: These rules shall apply to all Civil Government servants under the urie-niaking control of President, Azad Government 01 the State of Jammu and Kashmir, unless in any case Otherwise expressly provided.

(3) Commencement: Theses rules shall have effect from the 20th July 1971:

2. In these rules, unless there is anything repugnant in the' subject or context:-

   (a) "Authorised Medical Attendant" means: -

      (i) in respect of a Gazetted Government servant the Principal/Medical Officer of the district appointed by Government to attend Officer in the district.

      (ii) in respect of a non-gazetted Government servant a Medical Officer appointed by Government to attend its Officers in the station.

   (b) "District" means the district in which the Government servant falls ill.

   (c) "Family" means wife/husband, legitimate sons and daughters and step-children of a Government servant, residing with and wholly dependent upon him.

   (d) "Government" means the Government of Azad Kashmir.

   (e) "Hospital" means a Government I ospiial, A Government dispensary, a hospital maintained by a local authority and any other hospital with which arrange-.ients have been made by Government for the treatment of its employees.

   (f) "Medical Attendance" means:-
(i) in respect of a Government servant specified in sub-clause (a), an attendance in hospital or at the residences of the Government servant, including such pathological, bacteriological, or other methods of examination for the purposes of diagnosis as are available in any Government hospital in the district, and are considered necessary by the authorised medical attendant, and such consultation with a specialist or other medical officer to the service of Government stationed in the Azad Kashmir as the authorised medical attendant may determine;

(ii) in respect of any other Government servant, attendance at a hospital or in case of illness which compels the patient to be confined to his residence, at the residence of the Government servant including such methods of examination for purposes of diagnosis as are available in the nearest Government hospital and such consultation with a specialist or other medical officer of Government stationed in the district as the authorised medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may in consultation with the authorised medical attendant determine.

(g) "Patient" means a Government servant to whom these rules apply and who has fallen ill.

(h) "Treatment" means the use of all medical and surgical facilities available at the Government hospital in which a Government servant is treated, and includes:-

(i) the employment of such pathological, bacteriological, radiological or other methods as are considered necessary by the authorised medical attendant;

(ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital;

(iii) the supply of such medicines, vaccines, sera or other therapeutic substances not ordinarily so available as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the Government servant;
(iv) such accommodation as is ordinarily provided in the hospital and is suited to his status; 
(v) such nursing as is ordinarily provided to in-patients by the hospital; and 
(vi) the specialist consultation described in clause (f); but does not include diet, or provision at the request of the Government servant of accommodation superior to that described in sub-clause (iv).

3. (1) A Government servant shall be entitled, free of charge to medical attendance by the authorised medical attendant. 

(2) Where a Government servant is entitled under sub-rule (1) free of charge, to receive medical attendance, any amount paid by him on account of such medical attendant shall on production of a certificate in writing by the authorised medical attendant in this behalf, be re-imbursed to him by Government.

Note- All authorised Medical Attendants in Azad Kashmir shall ensure that the commercial substitutes of medicines supplied to them under P.V.M.S. from C.M.S-D-are not prescribed,

4. (1) When the place at which a patient falls ill is not the headquarters of the authorised medical attendant:
(a) the patient shall be entitled to travelling allowance at tour rates for the journey to and from such headquarters; or 
(b) if the patient is too ill to travel, the authorised medical attendant shall be entitled to travelling allowance at tour rates for the journey to and from the place where the patient is,

(2) Application for travelling allowance under sub-rule (1) shall be accompanied by a certificate in writing by the authorised medical attendant stating that medical attendance, was necessary, and, if the application is under clause (b) of that sub-rule, that the patient was too ill to travel.

5. (1) If the authorised medical attendant is of opinion that case of a patient is of such a serious or special nature, as to require medical attendance by some person other than himself, he may:- send the patient to the nearest C.lvH., or a Government Hospital
(2) If the O/C, C-M.H. is of the opinion that the facilities available in the hospital are inadequate for treatment of a patient, he may refer the patient to any other C.M.H. in Azad Kashmir, where such facilities are available, and if such facilities are not available in any hospital within Azad Kashmir, refer the case to Director Health Services;

(3) Director Health Services may refer such a patient to a hospital, where required facilities are available, and which has been specifically approved by the Government for Treatment of its employees.

Note- The approved hospitals for this purpose would be limited to central/Provincial Government Hospitals in Pakistan.

6. (1) A Government servant shall be entitled free of charge. (i) to treatment.

(ii) (a) in such Government hospital at or near the place where he falls ill as can, in the opinion of the authorised medical attendant, provide the necessary and suitable treatment; or

(b) if there is no such hospital as is referred to in sub clause (a), in such hospital other than a Government hospital at or near that place as can, in the opinion of the authorised medical attendant, provide the necessary and suitable treatment;

(2) Where a Government servant is entitled under sub-rule (1) free of charge, to treatment in a hospital, any amount paid by him on account of such treatment shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be re-imbursed to him by Government. The charges for diet, if levied in a Government hospital form patients, shall be borne by the Government servant himself.

(3) The Head of the Department/Attached Department or such Officers to whom he may delegate his powers in this behalf, shall be competent to order re-imbursement under the last preceding sub-rule and sub-rule (2) of rule 3 (not exceeding Rs. 200 in each case).
(4) If a Government servant is treated in a hospital maintained by Government, the free treatment will constitute an ordinary function of the hospital.

(5) If a Government servant is treated in a hospital maintained by Central/Provincial Government of Pakistan where he is to pay for his treatment, he shall himself make the payment in the first instance and recover the amount from Government afterwards. Before claiming re-imbursement, he should obtain from the hospital authority a copy, if possible, of the primed tariff of the hospital, a bill in full detail and also a duly signed receipt in token of having made the payment, and present them to the head of his office. The head of the office shall check the bill with the tariff and after obtaining the sanction of the competent authority, if necessary, draw the amount payable on a contingent bill form for which the hospital bill and the receipt will form the vouchers. The amount shall then be disbursed to the Government servant. Such charges are debitable to the primary unit of appropriation "Contingencies" of the account head appertaining to the Department to which the Government servant belongs.

(1) If the authorised medical attendant is of opinion that owing to the absence or remoteness of suitable hospital or the nature of the illness, a Government servant cannot be given treatment as provided in clause (i) of sub-rule (1) of rule 6, the Government servant, may receive treatment at his residence.

(2) A Government servant receiving treatment at his residence under sub-rule (1) shall be entitled to receive towards the cost of such treatment incurred by him a sum equivalent to the cost of such treatment he would have been entitled free of charge, to receive under these rules if he had not been treated at his residence.

(3) Claims for sums admissible under sub-rule (2) shall be accompanied by a certificate in writing by the authorised, medical attendant stating:-

(a) his reasons for the opinion referred to in sub-rule (1);
(b) the cost of similar treatment referred to in sub-rule (2).

(8) (1) Charges for services rendered in connection with, but not included in medical attendance on or treatment of a patient entitled, free of charge, to medical attendance or treatment under
these rules, shall be determined by the authorised medical attendant and paid by the patient.

(2) If any question arises as to whether any service is included in medical attendance or treatment, it shall be referred to Government and the decision of Government shall be final.

9. The Controlling Officer of a patient may require that any certificate required by these rules to be given by T1-authorised medical attendant for travelling allowance purposes shall be countersigned:

(a) in the case of a certificate given by the principal Medical Officer of a district, by the Director of Health Services; and
(b) in the case of a certificate given by any other medical officer, by the principal medical officer of the district.

10. The family of a Government servant shall be entitled, free of charge, to medical attendance and treatment on the scale and under the conditions allowed to the Government servant himself, at a hospital at which the Government servant is entitled to receive treatment free of charge or at hospitals specially recognised for the treatment of families of Government servants. This shall include confinement of a Government servant's wife in a hospital, but not pre-natal or post-natal treatment at a Government servant's residence.

11. These rules shall also apply to retired Government servant's subject to the following modifications:

(i) Relief shall be admissible only for treatment in hospital and not otherwise. In other words treatment at residence and reimbursement of expenditure on purchase of medicine is not covered.

(ii) The medical relief in hospital is restricted to a retired Government servant, his wife/husband and minor children, and other dependents are not covered.

12. Class IV Government servants and their families are entitled free of charge to medical, surgical and nursing treatment as in patients in the general wards of a Government
hospital and they are entitled to re-imbursement of medical expenses incurred by them on their treatment in the general wards in a Government hospital, provided they produce a certificate to this effect given in writing by the authorised medical attendant. The Medical Officer appointed by Government Co attend its Government servants in the Station will be the authorised medical attendant in the case of these Government servants.

13. Government may relax provisions of these rules in cases of special bard-ships.

1. SHORT TITLE AND COMMENCEMENT. These rules may be called the Azad Jammu and Kashmir Redemption and Restitution of Mortgaged Lands Rules, 1971.

2. DEFINITIONS. In these rules, unless there is anything repugnant in the subject or context --

(i) "Ordinance" means the Azad Jammu and Kashmir Redemption and Restitution of Mortgaged Lands Ordinance, 1969;

(ii) "application" or "petition" means an application or petition, as the case may be, made under sections 3, 10 and 12 of the Ordinance;

(iii) "compensation" means the amount assessed by the Collector under section 12 of the Ordinance as payable to the mortgagee prior to restitution of any mortgaged land to the mortgagor;

(iv) "Form" means a form appended to these rules;


(vi) "section" means a section of the Ordinance.

PART I
REDEMPTION OF MORTGAGES

3. Presentation of application. (I) An application under section 3 shall be in Form "A", and shall be signed and verified in the manner prescribed in Order VI, rules 14 and 15 of the First Schedule to the Code of Civil Procedure, 1908.
(2) The application shall bear the Court-fees-stamp of Rs. 1.00 and shall be accompanied by
(a) an attested copy of the latest entry in the Annual Record of Rights (Jamabandi) relating to the land mentioned in the application;
(b) an attested copy of the original mutation of mortgage;
(c) as many copies of the application as the number of persons mentioned in columns 1 and 2 of the application;

Provided that if the applicant is unable to supply attested copies of the latest entry in the Annual Record of Rights (Jamabandi) and the original mutation of the mortgagee as he shall deposit a fee of Rs. 3.00 with the Collector who shall issue a receipt in Form 'C' to the applicant and arrange to get the requisite copies made in his office; and
(d) A treasury challan, indicating the deposit of the sum due on the mortgage, if any, as shown in column 12 of the application in Form 'A'.

(3) The application shall be presented to the Collector of the district in which the mortgaged land is situated, by the applicant personally, or through a duly authorised agent. In the case of two or more applicants, it may be presented by any one of them.

(4) When there are more mortgagors than one and all of them do not join in making an application, it may be made by any one or more of them, the names of the others being set out in column 1 of the application; and the other mortgagors may subsequently be allowed to join as applicants on such terms as may be decided by the Collector.

4. **PROCEDURE BEFORE THE COLLECTOR**.- On receipt of an application, or if it is not in order, after getting the necessary corrections made, the Collector shall order it to be registered, fix a date for hearing the application and cause notice thereof, together with a copy of the application, to be served on the persons mentioned in column 1 and 2 of the application.

5. **PRESENTATION OF STATEMENT OF DEFENCE BY MORTGAGEE, ETC.**.- The persons mentioned in columns 1 and 2 of the application, may at the first hearing and shall, if required by the Collector at
any time, present a written statement of their defence, which shall also be signed and verified as laid down in order VI, Rules 14 and 15 respectively of the First Schedule to the Code of Civil Procedure, 1908.

6. **APPEARANCE OF PARTIES BEFORE THE COLLECTOR.**-Parties to proceedings under the Ordinance may appear in person or through a legal practitioner holding a power of attorney, or through a duly authorised agent.

7. **APPLICATION BY MINOR'S AND PERSONS OF UNSOUND MIND.**- If any one of the applicants or respondents is a minor or of unsound mind, the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 shall, so far as these may be applicable, apply to proceedings under the Act.

(1) On the day, fixed under rule 4 for hearing of the parties, or on any other day to which the hearing may be adjourned, the Collector shall hear the evidence produced by the parties and after making such further enquiry as he may deem necessary, shall decide whether the applicant has a right to redeem the mortgage.

(2) If the Collector is satisfied that the applicant has a right to redeem the mortgage, he shall pass orders under sections 5 and 6.

8. **ASSESSMENT OF THE AMOUNT DUE UNDER THE MORTGAGE WHEN THE MORTGAGE IS IN POSSESSION.**- When the mortgaged land concerned is in the possession of the mortgagee, the Collector shall, in assessing the amount due under the mortgage, take into account the benefits received by the mortgagee while in possession. For this purpose, the Collector shall, in the absence of any satisfactory evidence to the contrary, presume that they were equal to the net assets of the land as defined in clause (18) of section 3 of the Punjab Land Revenue Act, 1887 (XVIII of 1887) as adapted in Azad Jammu and Kashmir. Where cash rents are rare and to secure uniformity, the estimate of net assets based on rents in kind prescribed by rule 1 of Land Revenue Assessment Rules, 1929, shall be used. Contrary evidence may be offered by a mortgagor to justify a proportionate increase in the net assets for years of high prices or areas of intensive cultivation; and by a mortgagee to justify a proportionate reduction of these net assets for extraordinary calamities.
10. **PROCEDURE FOR MAKING DEPOSIT OF 'TOE SUM DUE UNDER THE MORTGAGE,** (l) The sum to be deposited by the applicant under section 4 of the time of submitting his application and any further sum found due under the mortgage by the Collector under section 5 to be paid within thirty days or within such further period as may be specified by the Collector in this behalf, shall be deposited by the applicant in the Government, Treasury for disbursement to the mortgage.

(2) When the mortgagee has deposited with the Collector the mortgage deed and other documents, if any, evidencing the mortgage or title to the land or satisfied him that the documents though at one time existing, had been lost, he shall be entitled to receive the amount deposited under sub-rule (1) in accordance with rules of the Government Treasury, and the documents of the title shall be made over to the applicant.

**PART II**

**RESTITUTION OF MORTGAGES**

11. **PRESENTATION OF PETITION.**- A petition under section 10 shall be in form 'B' and shall be verified, bear the Court-fee stamps and be accompanied by the documents, as provided in rule 3, except the document mentioned in clause (d) of sub-rule (2) of rule 3.

12. **DETERMINATION OF COMPENSATION FOR IMPROVEMENTS MADE BY THE MORTGAGEE.**- In case of an express contract for improvement; the mortgagee shall file a statement of claim on account of compensation for improvement effected by him. The Collector shall proceed to determine the amount of compensation and the mortgage shall only be deemed 10 have been extinguished on payment of compensation awarded by the Collector under this rule.

13. **PROCEDURE FOR MAKING DEPOSIT OF COMPENSATION FOR IMPROVEMENTS,** (l) The amount of compensation for improvements made by the mortgagee as determined by the Collector under rule 12, shall be deposited by the mortgagor in the Government Treasury within such time not exceeding six months, as shall be fixed by the Collector, for disbursement to the mortgagee.

(2) When the mortgagee has deposited with the Collector the mortgage deed and other documents, if any, evidencing the
mortgage or title to the land or satisfied him that documents though at one time existing had been lost, he shall be entitled to receive the amount deposited under sub-rule (1), in accordance with the rules of the Government Treasury and the documents of the title shall be made over to the petitioner.

14. **APPLICATION OF RULES 5 TO 10 IN RESPECT OF PETITIONER FOR RESTITUTION OF MORTGAGE.**—The provisions of rules 4 to 10 (both inclusive) under part 1 of these rules, shall also apply to proceedings in respect of a petition under Section 10.

**PART III**

**SUPPLEMENTARY PROVISIONS.**

15. **PROCEDURE FOR EJECTING THE MORTGAGEE & DELIVERING POSSESSION OF THE MORTGAGED PROPERTY TO THE MORTGAGOR.**—(1) On application by a person in whose favour an order has been made under section 5 or 12 of the Ordinance, as the case may be, the Collector may issue a warrant directing the said person to be put into possession of the land.

(2) If any co-mortgagor fails to apply under sub-rule (4) of rule 3 to be made a petitioner, or being a petitioner fails to pay his share of the compensation assessed, possession shall be given to the mortgagor by whom such compensation has been paid in full; and such co-mortgagor shall continue to be shown in the revenue records as mortgagor until such time as he has paid as mortgagee of his share.

(3) The warrant shall, after execution and with necessary endorsement, be returned to the Collector.

(4) Possession shall normally be delivered between the first day of May and the fifteenth day of June, both days inclusive unless the land is lying vacant, but the petitioner may, subject to the payment by him on compensation for standing crops, as may be determined by the Collector, be allowed possession at any other time.

16. **PROCEDURE TO BE FOLLOWED WHERE MORTGAGED LAND IS SITUATED IN MORE THAN ONE DISTRICTS.**—When any mortgage transaction affects land situated in more districts than one, application may be made to whom the application is made shall deal with the case as if the entire land were situated in his
(2) In an application covered by sub-rule (1), the Collector receiving the application shall transmit a copy of the same to the Collector of each district where any part of the rest of the land is situated.

(3) Every final order passed under sections 5 and 6 and 12 and 13 by the Collector enquiring into the application shall, so far as it relates to the land lying in the other districts, be similarly communicated to the Collectors thereof.

(4) If after the receipt by any Collector of an intimation under sub-rule (2), any fresh application is made to him in respect of the mortgage covered by the first application, he shall forward the same to the Collector of the district where the first application is pending and advise the applicant to seek his remedy there-

(5) In cases covered by this rule, the Collector issuing warrant of possession under rule 15 shall issue a separate warrant for the area lying in each other district and transmit the same for execution to the Collector thereof who shall execute the warrant as if it had been issued by himself.

17. PROCEDURE IN CASES OF DISPUTE CLAIMS TO THE MORTGAGE MONEY.- If there is any dispute between persons claiming to be entitled to the amount under the mortgage found due by the Collector under section 5, or the amount of compensation determined by him under clause (b) of section 12, the Collector may either decide the dispute himself or order the sum deposited by the applicant not to be paid to any one till the contesting persons have had their rights decided by a competent court of law.

18. REPEAL.- The following rules are hereby superseded.

(i) The Punjab Restitution of Mortgaged Land Rules, 1939.

To
The Collector
District.
Sir,
I/We ______________ (here state name, father's name and caste) land-owner/s) of
village __________ Tehsil _______ District ________
apply that my/our land/lands, described in the Schedule hereto annexed,
may be redeemed and that I/We be put in possession thereof.

SCHEDULE

1. Name, parentage, caste and residence of other mortgagers not joining the application.
2. (a) Name, parent age, caste and residence of the mortgagee, and (b) if he be not in possession, of the person in possession of the land.
3. The name, parent age, caste and residence of the original mortgagor and mortgagee.
4. In case the person shown in column 2 was not the original mortgagee, the manner in which he came to possess the mortgagee rights.
5. The area and description of the land (Survey/Khasra No. with name, if any) to be redeemed.
6. Detail of the area of any share in the common land of the village or of a sub-division (tarf or patti), if any, included in the mortgaged land, to be excluded from the mortgaged land under
Explanation I to section 3.

7. The nature of the mortgage (whether by registered deed unregistered deed or, by an oral agreement)
8. The date of mortgage.
9. The amount for which the mortgage was effected.
10. The date on which the principal money becomes due.
11. Payments, if any, made towards the mortgage debt.
12. The sum which, to the best of the applicant's knowledge, is due under the mortgage.
13. Period for which the mortgagee has been in possession.
14. How does the applicant claim the right of redemption,
15. Remarks-

2. The attested copies of the latest entry in the Annual Record of Rights (Jamabandi) relating to the land mentioned in column 5 and the original mutation of the mortgage in question, together with a Treasury Challan showing the deposit of the amount due under the mortgage, as required by section 4, are attached herewith.

*3. I am/We are unable to secure the copies of the latest entry in the Annual Record of Rights (Jamabandi) relating to the land mentioned in column 5 and the original mutation of the mortgage in question. I/We have, therefore, paid a sum of Rs. 3 as copying fees. vide receipt No. dated ____ (enclosed in original), for obtaining the required copies.

Signature(s) or thumb-marks(s) of the petitioner(s).

*To be scored out if not applicable.

VERIFICATION.
Verified that the facts set out in column Nos._________________
are true to my/our knowledge while facts set out in column Nos.______________are true to my/our belief and information.

Verified at ________ on ________
Signature(s) of the person(s)_____
making the verification.
FORM 'B'

(See Rule 11)


To

The Collector

District.

Sir,

I/We & ______________________ (stare here name, father's name and caste), land-owner(s) of village_________________ Tehsil____ District____ apply for the restitution of possession of the mortgaged land described in the Schedule hereto annexed.

SCHEDULE

1. Name, parentage, caste and residence of other mortgagers not joining the petition.

2. (a) Name, parentage, caste and residence of the mortgagee, and (b) if he be not in possession of the person in possession of the land.

*3. The name, parentage, caste and residence of the original mortgagor and mortgagee.

*4. In case the person shown in column 2 was not the original mortgagee, the manner in which he came to possess the mortgagee rights.

*5. The area and description of the land (Survey/Khasra No. with name, if any) to be redeemed.

6. The nature of the usufructuary mortgage (Whether by registered deed, unregistered deed or ora

7. The date of mortgage.

*To be scored out if not applicable.
8. In the case of an usufructuary mortgage of less than twenty years, the period for which it was effected.
9. The period for which the mortgagee has been in possession of the mortgaged land.
10. The amount for which the mortgage was effected.
11. The date on which the period of mortgage has expired.
12. How does the petitioner claim the right of restitution.
13. Details of the express contract, if any, that the mortgagee shall be entitled to compensation for improvement made by him and the payment, if any, made by the mortgagor to the mortgagee in this behalf.

2. The attested copies of the latest entry in the Annual Record of Rights (Jamabandi) relating to the land mentioned in column 5 and the original mutation of the mortgage in question, are attached herewith.

*3. I am/We are unable to secure the copies of the latest entry in the Annual Record of Rights (Jamabandi) relating to the land mentioned in column 5 and the original mutation of the mortgage in question. I/We have, therefore, paid a sum of Rs. 3 as copying fees, vide receipt No. dated (enclosed in original), for obtaining the required copies.

Signature(s) or thumb-marks(s) of the petitioner(s)
*(To be scored out if not applicable)

Verification.
Verified that the facts set out in column Nos— are true to my/our, knowledge while facts set out in column Nos. are true to my/our belief and information.

Verified at on

Signature(s) of the person(s) making the
FORM 'C*
(See proviso to clause (a) of Rule 3 (2).
Receipt of fee for obtaining certified copies in connection with
petition under section 3/10/of the Azad Jammu and Kashmir Redemption
and Restitution of Mortgaged lands Ordinance, 1969.

Receipt No.....................................Dated........................

Received Rs..................-....................................,

from........ ..................................................for obtaining attested
copies of the documents listed below:-

Detail of...........................

Documents..............................

:  

Signature..........................

Collector.........................
“..."
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In exercise of the powers conferred by Section 19 (3) and Section 30 of the Azad Jammu and Kashmir Government Act 1970; the President is pleased to make the following rules.-

PART 'A'
GENERAL

1. Short title and commencement:-- (1) These rules may be called the Azad Jammu and Kashmir Government Rules of Business,
(2) They shall come into force at once.

2. In these rules, unless the context or subject otherwise requires:
(ii) "Adviser" means the Adviser appointed by the President under Section 7 of the Act;
(iii) "Assembly" means the Legislative Assembly of Azad Jammu and Kashmir;
(iv) "Attached Department" means a Department mentioned in column 3 of I;
(v) "Business" means all work done by Government;
(vi) "Case" means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, viz correspondence the subject or subjects covered by it or connected with it;
(vii) "Chief Secretary" means the officer notified as such in the Gazette;
(viii) "Council" means the Council of Ministers appointed under Section 9 of the Act.
(ix) "Department" means a self-contained administrative unit in the Secretariat responsible for the conduct of business of Government in a distinct and specified sphere, and declared as such by Government;
(x) "Gazette" means the Official Gazette of Azad Jammu and Kashmir;
(xi) "Government" means the Government as defined in Section 2 of the Act:
(xi-a) "President" means the President of Azad Jammu, and Kashmir;
(xii) "Head of an Attached Department" means an officer shown in column 4 of Schedule I;
(xiii) "Member" means a member of the Assembly;
(xiv) "Minister" means the Minister-in-charge of the Department to which a particular case pertains;
(xvi) "Schedule" means a Schedule 10 these rules;
(xvii) "Secretariat" means the Departments of the Government of Azad Jammu and Kashmir when referred to collectively;
(xviii) "Secretary" means the Secretary or Acting Secretary to Government in-charge of a Department and includes the Chief Secretary, and the Additional Chief Secretary Incharge of a Department;
(xix) "Section" means a basic working unit in a Department as determined by the Government;
(xx) "Speaker" means the Speaker of the Assembly.

3. (1) The Secretariat shall comprise of the Departments specified in column 2 of Schedule I;
(2) The President may, whenever he may deem fit, constitute new Departments or vary the composition or number of the Departments.
(3) The business of Government shall be distributed amongst several Departments in the manner indicated in Schedule II;

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Provided that the President may, whenever he may deem fit, transfer any particular subject or matter from the Department to which it stands assigned in accordance with Schedule II, to any other Department.

(4) The President may assign to a Minister:
(a) a Department; or
(b) part of a Department; or
(c) parts of different Departments; or
(d) more than one Department; or
(e) one or more Departments together with part or parts of other Departments:
Provided that a Department or part of Department not so assigned shall be in the charge of the President.

4. **Organization of a Department:**
(1) Each Department shall consist of a Secretary to Government and of such other officials subordinate to him as the President may determine;
Provided that the same person may be Secretary in more than one Department.
(2) The Secretary shall be the official head of the Department and shall be responsible for its efficient administration and discipline, and for the proper conduct of business assigned to the Department under rule 3.
(3) The Secretary shall, by mean of standing orders, distribute the work of the Department among the officers, Branches or Sections of the Department.

5. **Functions of the Minister:**
(a) be responsible for policy matters concerning his Department;
Provided that no major decision shall be taken except with the approval of the President.
(b) be responsible for conducting the business of his Department in the Assembly.
(c) submit the cases to the President required by the provisions of rule 11; and
(d) keep the President informed of any important case disposed of by him without reference to the President.

5. **Functions and powers of the Chief Secretary:**
In addition to the duties and functions assigned to him under any other provisions of these rules, the Chief Secretary shall:
(a) be the principal adviser to the President in administrative matters;
(b) be the official head of the Secretariat.
(c) co-ordinate the activities of all departments in the administrative field;
(d) be the Chairman of the Selection team constituted by Government for selection to senior posts under Government;
(e) have the power to call for any case or information from any office, Attached Department or Department; and
(f) be the Secretary of the Council.

6. **Duties and functions of the Secretary:**
(1) The Secretary shall:
(a) assist the Minister and the President in the formulation of policy;
(b) duly execute, the sanctioned policy;
(c) submit all proposals for legislation to the Council, with the approval of the Minister;
(d) keep the Minister generally informed of the working of the Department and important cases disposed of by him;
(e) keep the Chief Secretary informed of any important case disposed of without reference to the President.
(f) where the Minister's orders appear to involve a departure from rules and regulations or from Government policy, re-submit the case to the Minister inviting his attention to the relevant rules or regulations or Government policy. If the Minister does not change his decision, the Secretary shall submit the case to the President for orders.
subject to any general or special orders of Government in this behalf, issue standing orders specifying the cases and class of cases which may be disposed of by an officer subordinate to the Secretary; and

be responsible for the careful observance of these rules in his Department.

While submitting a case for the orders of the Minister, it shall be the duty of the Secretary to suggest a definite line of action.

7. **General procedure for disposal of business:**

   (1) Instructions as to the manner of disposal of the business of the Secretariat shall be issued by the Services and General Administration Department.

   (2) If any doubt arises as to the Department to which a case pertains, the matter shall be referred to the Chief Secretary, who shall obtain the orders of the President.

   (3) All orders should be passed in writing. Where a verbal order is given, it should be reduced to writing at the earliest opportunity by the officer receiving it.

   (4) If any order passed contravenes a law, rule or a policy decision, it shall be the duty of the next below officer to point this out to the authority passing the order.

9. (1) Save in cases where an officer has been specifically empowered to sign an order or instrument of Government, every such order or instrument shall be signed by the Secretary, the Deputy Secretary, the Section Officer to Government, or the Officer on Special Duty in the Department concerned; and such signature shall be deemed to be proper authentication of such order or instrument.

   (2) Instructions for the making of contracts on behalf of the President and the execution of such contracts and all assurances of property shall be issued by the Law Department.

**PART B**

**REFERENCES TO THE PRESIDENT**

10. **References to the President:**

   (1) No order, shall be issued without the approval, of the President in:

   (a) cases involving policy or departure from policy;

   (b) cases involving a conflict between the President and the Assembly;

   (c) cases enumerated in Part 'A' of Schedule III; and

   (d) cases relating to appointments and promotions to posts specified in Schedule IV.

   (2) The cases enumerated in Part 'B' of Schedule III shall be submitted to the President for his information. The President may require any other cases to be submitted to him for information.

   (3) All cases of detention by Government under sub-Section (5) of Section 3 of the Public Safety Act and Rule 23 of the Civil Defence Rules 1962 shall be submitted to the President for his orders.

   (4) A case submitted to the President for his orders shall be accompanied by a self-contained concise summary stating the relevant facts and the points for decision. The summary to the President shall be submitted through the Minister and shall contain the latter's specific recommendations.

   (5) The President shall be kept informed of all developments of major importance, and for this purpose, Ministers and Secretaries of Departments shall have regular interviews with him. Heads of Attached Departments and other officials may be summoned by the President as and when required by him.

**PART C**

**DEPARTMENTAL PROCEDURE**
11. **Consultation among Departments:**

(1) When the subject of a case concerns more than one Department:
(a) the Department in charge shall be responsible for consulting the other Departments concerned; and
(b) no orders shall issue nor shall the case be submitted to the President or the Council, until it has been considered by all the Departments concerned.

Provided that in cases of urgency, and with the approval of the President, this requirement may be dispensed with; but the case shall, at the earliest opportunity thereafter, be brought to the notice of the other Departments concerned.

(2) In the event of a difference of opinion between the Departments concerned, the Minister, primarily concerned shall submit the case to the President:

Provided that in a matter of urgency, the Minister primarily concerned may submit the case to the President at any stage.

(3) When a case is referred from one Department to another for consultation, all relevant facts and the points necessitating the reference shall clearly be brought out.

(4) Even where consultation is not required, a Department may, for purposes of information, transmit copies of a communication received by it, or show a case, to such Other Departments as it considers would be interested in or would profit by it.

(5) A Minister may ask to see a case of another Department if it is required for the disposal of a case in his Department.

(6) The Minister for Finance may ask to see a case of any Department in which a financial consideration is involved.

(7) Requests made under sub-rule (4) or (5) for seeing a case shall give the reason for which the case is called for and shall be dealt with under the general or special orders of the Minister in charge of the Department to which the case pertains. If, for any reason, the case, or relevant extracts from it, cannot be made available the Minister shall explain the position to the Minister making the request or bring the matter to the notice of the President if necessary.

(8) If a Minister desires any further action to be taken by the case of another Department, he shall take up the matter with the Minister in charge of that Department.

12. **Services and General Administration Department:**

(1) The Services and General Administration Department shall be responsible for:
(a) the determination of the principles of control of Government servants, including recruitment, conditions of service and discipline;
(b) the co-ordination of the policy of all Departments with respect to the Service under their control so as to secure consistency of treatment;
(c) securing to all Government servants the rights under any other law for the time being in force;
(d) determining the strength and the terms and conditions of service of the personal staff of Ministers.

(2) No Department shall, without the concurrence of the Services and General Administration Department, authorise any orders, other than any orders in pursuance of any general or special delegation made by the Services and General Administration Department which involve:

(a) reduction or extension in the scope of functions of Department as specified in Schedule II or the transfer of such functions from one Department to another.
(b) re-organization or change in the status of Attached Departments or Departments or Offices directly administered by the Departments;
(c) interpretation of these rules and orders relating to service matters other
than rules and orders issued by the Finance Department;
(d) any change in the terms and conditions of service or the statutory rights and privileges of Government servants.

(4) No order in respect of the emoluments, promotion or conditions of service of any officer employed in the Finance Department shall be passed and no expenditure proposal relating to that Department sanctioned without prior concurrence of the Service and General Administration Department. The Chief Secretary shall exercise in respect of such matters, the functions of the Secretary, Finance Department.

13. Consultation with Finance Department:-
(1) No Department shall, without previous consultation with the Finance Department, authorise any orders, other than orders in pursuance of any general or special delegation made by the Finance Department, which directly or indirectly affect the finances of the Government or which in particular involve:

(a) relinquishment, remission or assignment of revenue, actual or potential, or grant of guarantee against it; or grant or lease of land or mineral, forest or water-power right;

(b) expenditure for which no provision exists;

(c) a change in the number or grading of posts or in terms and conditions of service of Government servants, or their statutory rights and privileges which have financial implications,

(d) levy of taxes, duties, fees, or cases;

(e) floatation of loans;

(f) re-appropriations within budget grants;

(g) alteration in financial procedure or in the method of compilation of accounts or of the budget estimates;

(h) interpretation of rules made by the Finance Department.

(2) No amendment or interpretation of such rules of the Civil Services Rules as have no financial implication shall be made or issued by the Finance Department without the prior concurrence of the Services and General Administration, Department.

(3) No proposal, which requires previous consultation with the Finance Department under sub-rule (1) but in which the Finance Department has not concurred, shall be proceeded with unless a decision to that effect has been taken by the President or where he so desires, by the Council. Formal orders shall, nevertheless, issue only after the Finance Department has exercised scrutiny over the details of the proposal.

(4) Except to the extent that power may have been delegated to Departments under rules framed by the Finance Department, every order of an administrative Department conveying a sanction to be enforced in audit shall be communicated to the audit authorities through the Finance Department.

14. Consultation with the Law Department:-
(1) The Law Department shall be
consulted by the Departments:

(a) on all legal questions arising out of any case;

(b) on the interpretation of any law;

(c) before instituting criminal or civil proceedings in a court of law in which Government is involved; and

(d) whenever criminal or civil proceedings are instituted against Government.

(2) For any proposed legislation, the Law Department shall be consulted in accordance with the provisions contained in Part F of these rules.

(3) Except as provided in sub-rule (4) of this rule, the Law Department is not, in respect of legislation, an originating office, and its proper function is to put into correct form all proposed legislation.

(4) Legislation relating to the codification of substantive law or for the consolidation of existing enactments, or legislation of a purely formal character, such as repealing and amending bills may be initiated by the Law Department. The Law Department shall, however, consult the Administration Department concerned, which shall consider the draft legislation in its bearing on administration, make such enquiries and consultation as may be necessary, and tender advice to the Law Department accordingly.

(5) No Department shall consult the Advocate General, except through the Law Department, and in accordance with the procedure laid down by that Department. The Departments should draw up specific points on which the opinion of the Advocate General is desired.

(6) If there is disagreement between the views of the Advocate General and the Law Department, the views of both the Law Department and the Advocate General should be conveyed verbally to the Department concerned, and if the Department concerned does not accept the view of the Law Department the case shall be submitted to the Minister for Law for a decision, who may, in his discretion take such a case to the Council.

15. Reference from the Heads of Attached Departments to the Departments:-
Cases requiring the approval of Government shall be referred in as complete a form as possible to the Department concerned by the Heads of Attached Departments. Cases to the Administration Department by the Attached Department, shall ordinarily be settled in personal discussion between the Head of Attached Department and the Secretariat Officer dealing with the case.

16. Secretaries’ Committee:-
(1) There shall be constituted a Secretaries’ Committee, with the Chief Secretary as its Chairman, to facilitate co-ordination amongst the Departments, to provide a venue for the consideration of matters of common interest and to tender advice on any case that may be referred to it by the President, the Council or a Minister.

(2) A Secretary who wishes a particular matter to be discussed in the meeting of Secretaries’ Committee shall advise the Services and General Administration Department of his intention of doing so and forward 12 copies of a brief note on the subject which would form the basis of discussion.
(3) The Services and General Administration Department shall issue notice of a meeting, together with the agenda, well in advance of the meeting, except that urgent items may be considered at short notice.

(4) Meetings of the Secretaries’ Committee shall be attended only by Secretaries of Departments.

(5) Minutes of the meeting shall be recorded (except in those cases where a record may not be considered necessary) by an officer of the Services and General Administration Department, who shall attend the meeting for the purpose, and shall be circulated after approval by the Chief Secretary as soon as possible after the meeting as practicable.

(6) Conclusions reached to the meeting of the Secretaries’ Committee shall not be taken as decision of Government. Any further action required shall be taken by the Department concerned in accordance with the rules.

PART D
SERVICES

17. **Public Service Commission:**— (1) The Public Service Commission shall be consulted:

(i) on all matters relating to methods of recruitment to a Civil Service or Civil post;

(ii) on the principles to be followed in making appointments to the Civil Services and posts and in making promotions and transfers from one service to another;

(iii) on all cases of appointments:

(a) on promotion to a gazetted post from a non-gazetted post;

(b) on promotion to Class II gazetted post from a lower grade;

(c) on promotion to junior gazetted Class I from a lower grade;

(d) on promotion to senior gazetted Class I from Class II or a lower grade;

(e) on original appointment to any gazetted rank; and

(f) on original appointment to other posts the initial pay of which is Rs. 250/- or above:

Provided that for temporary appointment for a period not exceeding six months, consultation with the Public Service Commission will not be necessary.

(iv) on all cases laying down principles for determining the relative, seniority of persons in Civil Services and posts;
(v) on all cases of relative seniority of persons holding gazetted posts or other posts the initial pay of which is Rs. 250/- or above.

(2) The Public Service Commission shall advise on any matter referred to it under sub-rule (1).

(3) The advice of the Public Service Commission shall ordinarily be accepted by the Department in all matters where it is obligatory to consult the Commission under Sub-Rule (1).

(4) If it is proposed not to accept the advice of the Commission, the case shall be submitted to the President through the Services and General Administration Department which shall give an opportunity to the Public Service Commission of further justifying its recommendation before a final decision is taken.

18. Differences between Selection Board & the Deptts:-

(1) Government may constitute one or more Selection Boards and specify the appointments and promotions to posts other than those to be made on the advice of the Public Service Commission to be made on the advice of such Selection Boards.

(2) If in any case, a Department does not propose to accept the advice of the Selection Board in regard to a matter in which its advice is required under sub-rule (1), the case shall be returned to the Selection Board for reconsideration, and the Selection Board shall reconsider such case. If on reconsideration, the difference still persists, the case shall be submitted to the President through the Services and General Administration Department for his orders.

19. Postings:-

(1) Transfer of officers shown in column 1 of Schedule V Part II shall be made by the authorities shown against such officers in column thereof.

(2) The Services and General Administration Department shall be consulted if it is proposed:

(a) to transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure; and

(b) to require an officer to hold charge of more than one post for a period exceeding four months.

PART E
COUNCIL PROCEDURE

20. Cases to be brought before the Council:- Following cases shall be brought before the Council:

(a) proposals for legislation, official or non-official bills;

(b) promulgation and revocation of Ordinances;

(c) the budget position and proposals before the presentation of the annual budget and other financial statements in terms of Section 21 of the Act.

(d) proposals for the levy of new taxes.
(e) cases involving vital political, economic and administrative policies;

(f) cases which a Minister considers important enough for reference to the Council;

(g) important reports and documents required to be laid before the Assembly.

(h) other cases required to be referred to the Council under the provisions of these rules; and

(i) any case desired by the President to be referred to the Council,

(2) Notwithstanding the provisions of sub-rule (1), the President may in any case give directions as to the manner of its disposal, without prior reference to the Council.

21. Method of disposal by the Council:— (1) Cases referred to the Council shall be disposed of:

(a) by discussion at a meeting of the Council;

(b) by circulation amongst Ministers;

(c) by discussion at the meeting of a Committee of the Council:

Provided that the discussions of the Committee shall be ratified by the Council unless the Council has authorised otherwise.

(2) Committees of the Council may be constituted and their terms of reference and membership determined by the Council or by the President. Such Committees may be standing or special committees, accordingly as they are appointed to deal with a class of cases or a particular case.

(3) The decisions of the Council shall be subject to the approval of the President.

22. Manner of submission of cases to Council:— (1) In respect of all cases to be submitted to the Council, the Secretary of the Department concerned shall transmit to the Chief Secretary a concise and lucid memorandum of the cases (hereinafter referred to as the "Summary"), giving the background and relevant facts, the points for decision and the recommendations of the Minister:

Provided that in the event of the views of the Department being different from the views of the Minister, both the views shall be included in the Summary.

(2) The Summary shall be self-contained as far as possible, and may include as appendices such relevant papers as are necessary for the proper appreciation of the case.

(3) In the case of proposed legislation to which approval is sought in principle, the Summary shall bring out clearly the main issues to be legislated upon.

(4) Where a case concerns more than one Department, the Summary shall not
be forwarded to the Council unless the case has been considered by all the Departments concerned. In the event or a difference of opinion, the points of difference between them shall be clearly stated in the Summary, a copy of which shall be sent by the sponsoring Department to the other Department concerned simultaneously with the transmission of the Summary to the Council.

(5) No Summary containing a proposal involving financial implications shall be submitted to the Council unless the Finance Department has been consulted and its views incorporated in the Summary.

(6) All Draft Bills, Ordinances or Orders having the force of law shall be submitted to the Council after the same have been vetted by the Law Department and no changes shall be made therein except with the knowledge of that Department.

(7) No case for inclusion in the agenda of a meeting of the Council shall be accepted unless it reaches the Chief Secretary at least four clear days in advance of the meeting:

Provided that if the case is urgent, the Secretary concerned may approach the Chief Secretary for its inclusion in the agenda, and, if he agrees, a note shall be sent for circulation to the Council showing how the case is urgent and why it could not be submitted in time.

(8) The Services and General Administration Department shall satisfy itself that the papers submitted by a Secretary are complete and in appropriate form. It shall ordinarily return a case which does not meet with the requirements of these rules and of any other instructions of the subject.

23. **Procedure regarding Council decisions circulation:**

- (1) When a case is circulated to the Council for recording opinion, the Chief Secretary shall specify the time by which opinions should be communicated to him. If a Minister does not communicate his opinion by that time, it shall be assumed that he accepts the recommendations contained in the Summary.

- (2) On the expiration of the specified time, the Chief Secretary shall submit the opinions received to the President for decision.

- (3) If the President directs that the case should be discussed at the Council meeting, the Chief Secretary shall circulate the opinion recorded by the Ministers in the form of supplementary summary.

- (4) Reports made to the Council, and other cases submitted only for information shall normally be disposed of by circulation.

24. **Procedure regarding Council meeting:**

- (1) Meetings of the Council to discuss ordinary business shall normally be held once a fortnight, on a day and time to be fixed by the President:

  Provided that the president may call a special meeting of the Council on any day to discuss urgent business or vary the time or date on which a meeting is to be held,

- (2) A minister shall so arrange his tour that he is able to attend the Council meeting, unless he has obtained the President's permission to absent himself, in
which case the Secretary of his Department should invariably be in attendance at the Council meeting if any item relating to his Department is on the agenda of the meeting.

(3) The President shall preside at all meetings of the Council:

Provided that the President may authorise the holding of a Council meeting during his absence, in which case the meeting shall be presided over by a Minister nominated, by the President,

(4) Any decision taken by the Council in the President's absence shall be subject to the approval of the President, unless the Council feels that a particular case is so urgent that immediate action is to be taken in anticipation of the approval of the President.

(5) The Chief Secretary shall ordinarily issue to the Ministers, three days in advance of the meeting, the agenda of the meeting, together with the Summaries relating to the items on the agenda. In case of special meetings, a shorter notice may issue.

(6) No case shall be discussed in the Council unless the Summary relating to it has first been circulated:

Provided that the President may dispense with the requirements of this sub-rule if he is satisfied that the working paper could not be supplied,

(7) The Secretary shall be informed of the items on the agenda of the Council meeting pertaining to his Department, and shall, unless otherwise directed, attend the meeting of the Council, in which the case is under consideration.

(8) If, in the absence of the Minister from Head-quarter the Secretary concerned considers that the discussion on a case should await the Minister's return, he may request the Chief Secretary for its postponement.

(9) A Minister or a Secretary in the absence of Minister may, if he deems it fit, request for the withdrawal of a case pertaining to his Department from the agenda of the Council.

(10) The Chief Secretary and or any other officer of the Services and General Administration Department shall attend all meetings of the Council and prepare:

(a) a brief record of the discussion which in the absence of a special direction by the Council, shall be of an impersonal nature;

(b) a record of the decisions, without any statement of the reasons therefore.

(11) The Chief Secretary shall circulate to the Ministers, a copy of the record prepared under sub-rule (10) for perusal and return within twenty-four hours of issue.

(12) If a Minister considers that there has been a mistake or omission in recording the minutes, he shall point out to the Chief Secretary within twenty-four hours of the issue of the minutes. The Chief Secretary shall obtain the orders of the President and thereafter finalize the minutes.

(13) Where a Secretary has attended a Council meeting, in the absence of his Minister, the record of the items concerning the Secretary shall be sent to him to be dealt with in the manner provided in sub-rule (11) and (12).
(14) A copy of the decision of the Council and wherever considered necessary of the points made during the discussion shall be supplied by the Chief Secretary to the Secretary of the department concerned, for action under rule 28:

25. Procedure regarding Committee of Council:- (1) Meetings of the Committees of the Council shall be convened by the Chief Secretary under the directions of the Chairman of the Committee, who shall preside at the meeting, (2) Officers of the Department concerned may be associated with the deliberations of the Committee as and when considered necessary. (3) The provisions of rule 22 and 24 shall apply mutatis mutandis to the manner of submission of cases to and the procedure for the meetings of Committees.

26. Action on Council decision:- (1) When the decision of the Council on a case is received by the Department concerned, it shall acknowledge the receipt of the decision and take prompt action to give effect to the decision. (2) To ensure implementation of the Council decisions the Secretary, of each Department shall keep a separate record of all the decisions conveyed to him and shall watch progress of action until it is completed. It shall be the responsibility of the Secretary of the Department sponsoring the case, to consult or inform any other Department concerned in order to ensure full implementation of the Council decisions: Provided that the record of the discussion before a decision so taken shall not be passed down by the Secretary to the other Department or to other officers of his Department unless it contains points which require consideration or action in the other Department or by those officers, as the case may be. (3) The Chief Secretary shall watch the implementation of each decision of the Council, and the Secretary in the Department concerned shall supply to the Chief Secretary such documents as the latter may, by general or special request, require to enable him to complete his record of the case. (4) The Chief Secretary shall maintain the record of each case submitted to the Council, which shall consist of: (a) a copy of all papers issued under rules 23 (l), 24(5) and 25; (b) a copy of the record prepared under rules 23, 24 (10) and 25; and (c) all documents received under rule 26 (3).

27. Secretary of the Council:- (1) All proceedings of the Council and the record of the discussion in the Council shall be secret. (2) All papers submitted to the Council are secret until the council decision has taken place, whereafter the Secretary concerned shall subject to any general or special order of the Chief Secretary in this behalf, determine whether the papers shall continue to be classified as secret.

28. Custody of Council papers:- The Minister shall return to the Chief Secretary the papers issued to them for decision by circulation immediately after recording their opinion,

PART F

LEGISLATION

29. Official Bills:- (1) The Department administratively concerned shall be responsible for determining the contents of the proposed legislation, for consulting the other Departments concerned (including the Finance Department, where necessary) and for obtaining the approval of the Council to the issues involved, before asking the Law Department to give legal shape to the Bill: Provided that where the proposed legislation involves only a verbal or formal amendment of an existing law, it shall not necessary, to obtain the Council's approval before asking the Law Department to give legal shape to it,
(2) When referring the approved legislation to the Law Department, the Department administratively concerned shall send a memorandum indicating precisely the lines on which it is proposed to legislate, which shall include:
(a) a statement in the form of series of propositions detailing the provisions required to be made, or preferably, a draft Bill; and
(b) a statement giving the objects and reasons for each provision.
(3) When a proposal for legislation is referred to the Law Department, that Department shall, apart from giving shape to the draft legislation, advise the Department concerned whether any legal requirements are to be complied with before the Bill is introduced in the Assembly. The Law Department shall also advise whether the proposed Law disregards or violates, or is or is not in accordance with the principles of law-making.
(4) The Department concerned shall then submit the case, including the advice of the Law Department to the Council:
(a) for approval of the draft Bill;
(b) for deciding any issue that may still be outstanding;
(c) for orders as to which of the following motions should be made in the Assembly:
   (i) that it should be taken into consideration at once; or
   (ii) that it should be taken at a future date to be specified; or
   (iii) that it should be referred to a Select Committee or a House Committee, or
   (iv) that it should be circulated for the purpose of eliciting opinion thereon.
(5) Where the approval of the President has not been obtained in the Council meeting, the Department concerned shall obtain the President's approval to the decision of the Council on the points referred to in sub-rule (4).
(6) The Department concerned shall thereafter prepare a brief for the use of the Minister, which shall include the directions which the Council and the President have given regarding the line of action to be adopted with regard to the Bill.
(7) The Department concerned shall then forward to the Law Department the draft legislation in its final form with a statement of Objects and reasons duly signed by the Minister. The Law Department shall obtain the previous consent or recommendation of the President to the introduction of the Bill in the Assembly; if such consent or recommendation is necessary.
(8) The Law Department shall arrange to include the Bill in the official business of the Assembly. The Bill shall be introduced in the Assembly by the Minister and thereafter published in the Gazette by the Assembly Office. If, however, the Bill is of great urgency, the Law Department may request the Assembly Office to publish it in the Gazette before introduction.
(9) After a Bill has been passed the Assembly office shall forward the Bill to the President, through the Law Department, in the form in which it is passed, duly-signed by the Speaker. The Minister for Law, in consultation with the Minister concerned with the subject matter of the Bill shall advise the President:
(a) to accord his assent to the Bill;
(b) to withhold his assent; or
(c) to request the Assembly for a re-consideration of the Bill, or of a particular provision thereof; suggesting specific amendments, if any.
(10) The Law Department shall obtain the decision of the President and convey it, through the Minister for Law to the Speaker within the time limit specified.
(11) The procedure regarding amendments shall be the same as for official Bills,
30. **Non-official Bills and amendments:**— (1) As soon as notice regarding the
introduction of a non-official Bill is received from the Assembly Office by a Department, it shall:
(a) assess the administrative implications of the proposed legislation;
(b) consult the other Departments, concerned, including the Finance Department, where necessary; and
(c) Obtain the Law Department's advice:
   (i) Whether the bill can be introduced in the Assembly and is otherwise in order; and
   (ii) Whether previous consent of the President to its introduction is necessary.
(2) After the advice of the Law Department has been obtained, and where necessary, consultation with the other Departments concerned has been had, the Department concerned shall obtain:
(a) the instructions of the Council regarding the provisions of the Bill; and
(b) the decision of the Council as to which of the following motions in the Assembly is to be supported:
   (i) that it be taken into consideration by the Assembly either at once or at some future date to be specified;
   (ii) that it be referred to a house Committee or a Select Committee;
   (iii) that it be circulated for the purpose of eliciting opinion thereon; and
   (iv) that it be opposed.
(3) If the consent or recommendation of the President to the introduction of the Bill in the Assembly is necessary, such consent or recommendation shall be obtained by the Law Department, where it is decided to support the Bill.
(4) The Department concerned shall prepare a brief for the use of the Minister which shall include the directions of the Government regarding the line of action to be adopted with regard to the Bill.
(5) The procedure regarding amendments shall be the same as for non-official Bills.

31. **Ordinance:**- (1) The provisions of rule 29 shall apply mutatis mutandis where the proposed legislation is an Ordinance.
(2) The Law Department shall promulgate the Ordinance and in due course arrange to lay it before the Assembly.

**PART G**

**RELATIONS WITH THE ASSEMBLY**

32. **Rules of the Assembly:**- The Department shall, in their relations with the Assembly, comply with the rules of procedure and standing orders of the Assembly.

33. **Summoning of the Assembly:**- (1) Orders of the President for convening a session of the Assembly shall be obtained by the Law Department and communicated to the Secretary of the Assembly.
(2) As soon as the date of session of the Assembly is fixed, it shall be notified in the Gazette by the Secretary of the Assembly and thereupon all Departments shall undertake a review of the official business intended to be brought before the Assembly and shall promptly forward to the Law Department detailed lists of such business not later than seven days before the commencement of the session,
(3) The Minister for Law shall prepare a provisional forecast of the business to be brought before the Assembly and shall make proposals to the Speaker for the allotment of days for the transaction of official as well as non-official business. The programme, as approved by the Speaker, shall be communicated by the Assembly Office to all the Departments, and the Secretary to the President.
(4) (a) When the Assembly has been summoned by the President, he will at the appropriate stage, fix a date for the prorogation of the Assembly.
(b) The Secretary of the Assembly shall, when the session called by the President is nearing completion of its business, obtain the orders of the President through the Law Department, as to the date for the prorogation of the Assembly.

c) The Secretary of the Assembly shall notify in the Gazette the date fixed for the prorogation of the Assembly.

34. General provisions regarding Bills etc:- (1) Copies of the Bills, resolutions, motions, questions and other business to be brought before the Assembly shall be forwarded as soon as received, to the Department concerned by the Assembly Office.

(2) For the correct allocation' of business of the Assembly amongst the Departments, the Assembly office shall consult the Chief Secretary, whenever it is in doubt.

(3) If a bill, resolutions, motion or question has been wrongly addressed to a Department by the Assembly office, it should be promptly transferred to the Department concerned in consultation with the Chief Secretary, if necessary, and under advice to the Assembly Office.

(4) The Assembly Office shall advice the Departments as soon as it is known that a non-official Bill, resolution, motion, or question has been admitted in its final form, or not admitted, so that the Departments may regulate their action accordingly.

(5) As soon as any communication (whether in notice, intimation, Bill or any other paper) is received from the Assembly Office, or any other authority regarding the business or affairs of the Assembly, the receiving officer shall at once bring it to the notice of the Secretary and the minister.

35. Resolutions and motions:- (1) When an official resolution or motion is to be moved in the Assembly, the Department concerned shall, after consulting the Law Department, where the President's approval was not obtained in the meeting of the Council, forward the same, together with a formal notice duly signed by the Minister to the Secretary of the Assembly, who shall, if the resolution or motion is admitted by the Speaker, arrange for its inclusion in the official business of the Assembly.

(2) Official resolutions may be for the constitution of a statutory body, declaration of policy on a matter of general public interest, etc.

(3) Official motions may be for the election of members to a standing or adhoc Committee of the Assembly raising discussion on a particular matter, etc.

(4) On receipt of a non-official resolution or motion from the Assembly Office, the Department concerned shall examine it and obtain the orders of the Council, if the time permits. But the orders of the President shall in any case be obtained.

(5) In examining the resolution or motion, the Department concerned shall consider whether the discussion of the resolution or motion, or any part of the same, would be detrimental to the public interest. If so, it should point this out, with reasons, in its comments on the resolution or motion, as the case may be.

(6) The Department concerned shall prepare a brief regarding each resolution or motion, official or non-official, for the use of the Minister.

(7) After a resolution or motion has been adopted, the Assembly Office shall forward it to the Department concerned for appropriate action.

36. Questions:- (1) On receipt from the Assembly Office of questions, proposed to be asked by a Member, the Department concerned shall draft replies with the approval of the Minister, and in the case of a department which has not been assigned by the President, under these rules, to any Minister, with the approval of the Secretary in charge of that Department and forward the required number of copies to the Assembly Office before the day on which the question is to be
asked. In the case of starred questions, briefs shall be prepared by the Department concerned for the use of the Minister to assist him in answering any supplementary question that may be asked.

(2) A copy of the supplementary question asked in the Assembly in respect of a starred question and the replies given shall be forwarded by the Assembly Office to the Department concerned as soon as possible after the proceedings have been transacted.

(3) The Department concerned shall be responsible for giving effect to any undertaking given by the Minister in reply to questions.

37. **Budget:-** (1) The Finance Department shall forward proposals regarding the date for the presentation of the annual budget to the secretary of the Assembly. The latter shall obtain the orders of the President through the Chief Secretary. On receipt of orders a notification in the Gazette, shall be issued by the Secretary of the Assembly.

(2) On receipt of a motion proposing a cut in the demand (or supplementary demand) for grant of funds, the Department concerned shall examine the points raised in the motion, or any further points likely to be raised, and prepare a brief for the use of the Minister.

38. **High Court of Judicature:-** The Chief Justice shall exercise general control over the entire judiciary in the State and shall pass final orders in the following cases:

(i) Recruitment, appointment, posting, transfers, grant of leave and disciplinary action, of all kind in respect of posts in the Judicial Department below the rank of Sessions Judge.

Provided that appointments to the posts Advocates and Public Prosecutors shall be made by the Government;

(ii) All service matters relating to the Judicial Department; except the framing of conduct rules, discipline and efficiency rules and recruitment rules which shall be framed by Government and may be applied to the officers of the Judicial Department in consultation with the Chief Justice.

39. **Auditor General:-** (1) The auditor General shall conduct audit of the receipts and expenditure of all funds and moneys of the Government and for this purpose, he shall look into cases from the point of view of procedure as well as the merits of the orders passed or sanctions given by the Government or its officials. He shall have power to call for any information and explanation for the purpose of his audit from the officers concerned through the Chief Secretary. He shall prepare an annual audit report on the receipts and expenditure of the Government and submit it to the Government on a date to be specified. He may utilize the agency of the Accountant General for the discharge of functions assigned to him.

(2) The Auditor General shall have power to prescribe an accounting procedure and to make such amendments in that procedure as he considers necessary to enable him to satisfy the requirements of audit.

(3) The Accountant General will honour all whether passed by the Government or the authorised to do so except those which are in these Rules or the sanctioned budget.
## SCHEDULE I
### LIST OF DEPARTMENTS

<table>
<thead>
<tr>
<th>No.</th>
<th>Secretariat Department</th>
<th>Attached Department</th>
<th>Head of Attached Department</th>
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<td>Agriculture Department</td>
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<td>(ii) Animal Husbandry</td>
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<td>Education</td>
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<td>Accountant General Collector Excise &amp; Taxation</td>
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<td>Forest Department</td>
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<td>Labour Department</td>
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</table>
5. Law Department  
   (i) Office of the Legal Rememberancer  
   (ii) Office of the Advocate General  
   (iii) Legislative Assembly

6. Welfare
   Legal Rememberancer
   Advocate General
   Secretary to the Assembly

7. Mangla Dam Affairs
   Mangla Dam Affairs

8. Planning and Development Department  
   (i) Planning Development  
   (ii) Development Commissioner

9. Rehabilitation Department  
   Rehabilitation Department

10. Revenue Department  
    Revenue Department

11. Services & General Administration  
    A.K. Public Service Commissioner

12. Transport Department  
    Azad Kashmir Provincial Transport Authority
    Chairman, Provincial Transport Authority

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SCHEDULE II

DISTRIBUTION OF BUSINESS AMONG DEPARTMENTS

1. AGRICULTURE DEPARTMENT

1. Agriculture:

(a) Agricultural Education and Research;
(b) Experimental and demonstration farms;
(c) Improvement of agricultural methods;
(d) Protection against insects and pests and prevention of plant diseases.

2. Agricultural operations.


4. Bee-Keeping.

5. Animal Husbandry:

(a) Improvement of Livestock;
(b) Prevention of animal diseases;
(c) Veterinary training;
(d) Prevention of cruelty to animals.

2. A.K.R.F. AFFAIRS

Recommendations for the grant of temporary honorary and permanent Commissions, pensions and gratuities etc of A.K.R.F. Personnel.

3. ARMED SERVICES BOARDS

(a) Armed Services Boards.
(b) Fauji Foundation.

4. AUQAF DEPARTMENT

1. Administration of:

2. Charitable and Religious Endowment.


4. Mosques/Shrines and other religious institutions under the control of the Administrator Auqaf, Azad Kashmir.

5. Religious Education Schemes.

6. Publication of books on Islamiat.

5. BASIC DEMOCRACIES, SOCIAL WELFARE
AND LOCAL GOVERNMENT DEPARTMENT

1. Matters relating to:
   
   (a) District/Tehsil and Union Councils, Town/Union Committees and Municipal Committees;
   
   (b) Elections, Election Petitions, Civil Suits, in regard to B.Ds. and Local Bodies.
   
   (c) Establishment and budget of Local Councils and Local Bodies except Grant-in-Aid for Hospitals and Dispensaries.
   
   (d) Local Taxation and Local Rates.

2. Registration of Births, Deaths, and marriages by Local Councils and Local Bodies.


4. Development Fund and Development Schemes pertaining to Local Councils and Local Bodies.

5. Grant-in-Aid for Local Councils and Local Bodies.

6. Slaughter Houses under Local Councils and Local Bodies (other than those in Cantonments).

7. Local Councils Service, including Engineering and Health Services for Basic Democracies and Local Bodies.

8. Framing of rules, regulations and bye-laws under the B.Ds.
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Order and the Municipal Act.


11. Rural Uplift.

12. Burning grounds, Burial grounds and Muslim graveyards not taken over by the Auqaf Department.


17. Eradication of Social Evils.

18. Rehabilitation of handicapped and disabled adult persons.


20. Matters pertaining to the Elections to the Assembly.

21. Service matters pertaining to B.Ds. Department, except those entrusted to Service and General Administration Department.

6. COMMUNICATION AND WORKS DEPARTMENT

1. Buildings:

(a) Construction, equipment, maintenance, repairs and fixation of rent of all Government buildings, residential and non-residential, including tents, dak bungalows but not Government Guest House.

(b) Public health works pertaining to Government buildings.

2. Construction, maintenance and repairs of roads, bridges, ferries, tunnels, ropeways and causeways.
3. Road Fund.

4. Inland Waterways and inland navigation.

5. Town Planning.

6. Town Development and housing.

7. Irrigation:
   (a) Tube-wells and other water utilization schemes in areas;
   (b) Embankments;
   (c) Drainage;
   (d) Storage of water and construction of reservoirs.

8. Water logging schemes.

9. Electricity:
   (a) Development, generation, supply and distribution of hydro and thermal powers;
   (b) Determination of rates of supply, to consumers in bulk and otherwise and prescribing tariffs;
   (c) Acquisition and revocation of licences of electric undertakings;
   (d) Administration of Electricity Act and other such Acts; and
   (e) Assessment and collection of taxes on electricity.

10. Services matters, except those entrusted to Services and General Administration Department.

7. CO-OPERATIVE DEPARTMENT

1. Co-operative Societies and Banks.

8. EDUCATION DEPARTMENT

1. General Education:
   (a) Primary Education;
   (b) Secondary Education;
   (c) University Education;
2. Technical Education Department.
3. Education of handicapped children specially, deaf, dumb, and blind.
4. Libraries.
5. Historical or protected monuments maintained by or through the Azad Kashmir Government.
6. Ancient manuscripts and historical records.
7. Museums.
8. Copy-right.
10. Services matters, except those entrusted to service and General Administration Department.

9. FINANCE DEPARTMENT

(a) Audit:
Management of public funds, i.e. :
(a) supervision and control of Government finances;
(b) preparation of Government budget;
(c) preparation of Supplementary estimates and demands for excess grants;
(d) appropriations and reappropriations; and
(e) Ways and Means.


3. The framing of financial rules for guidance of departments and supervision or maintenances of accounts.

4. Floatation and administration of Public Loans.

5. Examination and advice on matters affecting directly or indirectly the finances of Azad Kashmir.
(a) grants, contributions, other allowances and honoraria, contingencies, recoveries from and payment to Government. Departments and cases relating to money matters generally,
such as defalcations, embazzlements and other losses;
(b) emoluments, pensions and allowances;
(c) Loans and advances to Government servants.

6. Administration of public revenue save as otherwise provided.
7. Banking.
9. Examination of all proposals for the increase or reduction of taxation.
10. Creation of new posts and examination of schemes of new expenditure.
11. Audit of receipts and expenditure.
13. The Local Audit Department.
15. Deposit of Government funds or funds under the control of Government in scheduled banks in accordance with rules to be framed.

(b) **Excise & Taxation Department.**

1. Control of Tobacco, opium, hemp, narcotics, liquor, and intoxicating preparations; import and contracts relating thereto, and excise taxes thereon.
2. Tobacco Wend Fees.
3. Assessment and collection of taxes enforced by the Government from time to time.

**10. FOREST DEPARTMENT**

(a) Forests (including forest settlement, reafforestation, erosion, denudation and sericulture).
(b) Levy of duty, fee, etc., on import and export of timber.
(c) Botanical survey.
(d) Games.
(e) Protection of wild birds, plants and animals.
11. HEALTH DEPARTMENT

1. Public Health and Sanitation:
   (a) Prevention and control of infectious and contiguous diseases;
   (b) Tuberculosis;
   (c) Eradication/control of malaria;
   (d) Lepers Act;
   (e) Treatment of patients bitten by rabid animals;
   (f) Adulteration of foodstuffs;
   (g) Nutrition surveys;
   (h) Nutrition and publicity in regard to food;
   (i) Vaccination and inoculation;
   (J) Maternity and child welfare; and
   (k) Quarantine.

2. Medical Profession:
   (a) Regulation of medical and other professional qualification and standards;
   (b) Medical registration;
   (c) Indigenous system of medicines;
   (d) Medical attendance on Government servants;
   (e) Levy of fees by medical officers.

3. Control of medical drugs, poisons and dangerous drugs (Drugs Act and Rules).

4. Service matters, except those entrusted to Services and General Administration Department.

12. HOME DEPARTMENT

1. Public order and internal security.

2. Political intelligence and censorship.

5.    Evidence and Oaths.
6.    Arms, ammunition and military stores.
7.    Control of petroleum and explosives.
8.    Public amusement Control over places, performances and exhibition.
10.   All matters connected with Police establishment and administration including:
      (a) Police rules;
      (b) Police works;
      (c) Grant of gallantry awards;
      (d) Departmental examination of officers.
11.   Prisons, Remand Homes, transfer of prisoners; State-Political-Prisoners; Good
      Conduct Prisoners and Probational Release Act.
12.   Extradition and deportation.
13.   Passports and permits.
14.   Civil Defence and A.R.P.
15.   Compensation for loss of property of life due to civil commotion or while on
      duty.
16.   Rent control and requisitioning of property.
17.   Smuggling.
18.   Clubs.
20.   Hording and black-marketing.
23. Commutation and remission of sentences; and mercy petitions.


25. Prosecutions in respect of newspapers and other publications.

26. Border incidents including incidents where diplomatic action is required.

27. Pilgrims and pilgrimages.


29. Home guard and territorial forces.

30. Questions of domicile and applications for nationality certificates.


32. Prohibited maps.

33. Matters connected with the Navy, the Army, or the Air Force or the Pakistan Marine Service or any other armed forces:
   (a) Territorial Force Act and Auxiliary Force Act;
   (b) Verification of antecedents of persons employed in Defence Services;
   (c) Camping ground; and
   (d) War injuries Scheme.

34. Civil Armed Forces.

35. Service matters, except those entrusted to Services and General Administration Department.

36. Liaison with Defence Authorities.

37. Enforcement of provisions of Motor Vehicles Act, 1939, and the rules there under relating to control of Traffic and inspection and checking of Motor Vehicles for the purpose of Traffic control.
13. INDUSTRIES, COMMERCE AND MINERAL RESOURCES DEPARTMENT

1. Planning and Development of Industries, including Cottage Industries.

2. Industrial research.

3. Loans and subsidies to Industries.

4. Industrial training, including Travelling Demonstration Parties.

5. Industrial control.

6. Control of the supplies and distribution of iron and steel.

7. Industrial exhibition within the country.

8. Survey of Industries.


11. Clothing for uniforms-references regarding.

12. All cases relating to Boilers Act, Patent and Designs Act, Explosives Act and Companies Act.

13. Registration of Joint Stock Companies, Firms, Societies.

14. Mines and minerals:
   (a) Geological surveys;
   (b) Development of mineral resources and regulation of mines;
   (c) Mineral rules; and
   (d) Grant and transfer of prospecting licences and mining leases:

15. Printing and stationery:
   (a) Establishment and budget of Government Press and Stationery Office;
   (b) Monthly income and expenditure Statement of Government Press; and
(c) Procurement of stationery (both indigenous and imported) and its supply to Departments;
(d) Local Purchase of stationery; and
(e) Printing and Stationery Manual.

16. Allocation of stationery to Departments on disposal of waste paper.

17. Inventions, Designs, Trade marks.

18. Chambers and Associations of Commerce and Industry.

19. Service matters, except those entrusted to Service and General Administration Department.

14. INFORMATION DEPARTMENT

1. Publicity.


3. Newspapers, books, magazines, pamphlets, posters and private printing presses.

4. Tourism.

5. Cinematograph Act and Rules.

6. Production and distribution of films and documentaries of general or educational interest in consultation with the Departments concerned.

7. Service matters, except those entrusted to Service and General Administration Department.

15. LABOUR DEPARTMENT

1. All matters affecting Labour in general:
   (a) Welfare and conditions of labour;
   (b) Labour Laws;

2. All cases relating to weights and Measures Act.

4. Service matters, except those entrusted to Services and General Administration Department.

16. LAW DEPARTMENT

1. Conduct of Government litigation:
   (a) Representation in criminal cases;
   (b) Appeals and applications for enhancement of sentences and convictions;
   (c) Filing and defending civil suits against Government and public servants.

2. Advice to Departments on all legal matters including interpretation of laws, rules and orders having the force of law.

3. Appointment, transfer, leave, fees etc of Government Law Officer; Advocate General, Public Prosecutors, Government Pleaders, Special Counsels.

4. Matters relating to legal practitioners, including scale of fees.

5. Matter relating to the approval of appointments of Legal Adviser and engagement of Legal Practitioners made by the Statutory bodies, payment of their fees and termination of their services.

6. Offence of pauper accused in the courts and fees to pleader for such defence.

7. Civil Law and Procedure.

8. Matters relating to Legislature.

9. Scrutiny and drafting of Bills, ordinances, Notations, Rules, regulations, statutory orders and bye-laws.

10. Scrutiny of non-official Bills.


13. Service matters, except those, entrusted to Services and General Administration Department.
17. MANGLA DAM AFFAIRS

1. All matters such as administration, rehabilitation, compensation etc. of displaced persons from Mangla Dam areas.

2. Problems of new towns and hamlets as a result of Mangla Dam.

18. PLANNING & DEVELOPMENT DEPARTMENT

1. Planning including policy and development.

2. Co-ordination of technical assistance.

3. Economic research.


5. Prosecuting of all development schemes, Programmes and proposals submitted to by other Departments and making recommendations to Government thereon.

6. To evaluate the progress of development schemes and their critical appraisal.

7. Initiation of measures for going suitable publicity to the Development Plan and educating the public on the results achieved from time to time.

8. Service matters, except those entrusted to Services and General Administration Department.

19. REHABILITATION DEPARTMENT


2. Evacuee Property.
20. REVENUE DEPARTMENT

1. Land Revenue Administration:
   (a) assessment and collection of land revenue, development cases and surcharges thereon and agriculture income-tax;
   (b) land surveys and record of rights, including restriction over transfer of title;
   (c) alienation of revenue;
   (d) laws regarding land tenure, relations between landlords and tenants, special remission of land revenue and remission under sliding scale;
   (e) religious endowment of land;
   (f) escheats; and
   (g) Pre-emption Law.

2. Scheme relating to grant of land to retired and retiring Government Servants.

3. Taccavi, Land Improvement and other agricultural lands.

4. Compulsory acquisition of land, Land Acquisition Act and rules made thereunder, Rent Control.

5. Demarcation.


7. Treasure trover.

8. Matters connected with the recruitment, training pay, allowances, promotions, leave, posting, and transfers of Revenue field staff and District and Divisional Establishment (Ministerial), except those entrusted to the Services and General Administration Department.

9. Registration of deeds and documents, including registration fees.

10. Copying Department.

11. Court of Wards, Encumbered and attached Estates.

12. Stamps and Court Fees, Judicial and non-Judicial.

13. Famine Relief Fund and relief for other natural calamities, e.g., earthquakes, floods and conflagrations.
15. Land Laws.
17. Tenancy Laws.
18. Water logging and salinity other than schemes relating thereto.
20. Budget and Accounts.
21. Territorial adjustments and changes.
22. Boundary disputes.
23. Rehabilitation of War displaced persons.

**21. SERVICES & GENERAL ADMINISTRATION DEPARTMENT**

1. Council work:
   (a) Council of Ministers (appointments, salaries and privileges of Ministers).
   (b) All Secretarial work of Council of Ministers including conveying of meetings.
2. General Co-ordination.
3. Honours, awards, and Sanads for public service.
4. Cypher and other Codes.
5. Ceremonials:
   (a) Warrant of precedence and Table of precedence;
   (b) Azad Kashmir Flag Rules,
   (c) Civil uniforms;
   (d) Liveries and clothing rules.
6. Holidays.
7. Office management:
(a) Civil Secretariat and Government offices generally;
(b) Secretariat standing orders; and
(c) Memorials and petitions standing orders.

8. Preparation of Civil List.

9. Service Rules relating to various Services and posts, and interpretation thereof.

10. Service Associations.

11. Rights and interests of membership of Service.

12. (a) Matters connected with the requirements, training, pay, allowances, promotion, leave, transfer, posting and powers of;
   (i) the Ministerial establishment of the AK Secretariat; and
   (ii) the Azad Kashmir Secretariat Service; and
   (iii) Azad Kashmir Class I Officers.

13. High Court.

14. (a) Re-employment of retired officers;
   (b) Extension in Service to superannuated Govt. servants.

15. Appointment of Commissions of inquiry or panel of officers in cases of misconduct of Government servants.

16. Organization and method:
   (a) Periodic review of the organization, staff, functions and procedure of the Departments, Attached Departments and Subordinate offices, and suggestions for improvement thereof.
   (b) Improvement of general efficiency and economic execution of Government business.
   (c) Advice regarding proper utilization of stationery and printing resources of the Government.
   (d) Training in Organizations and Methods.

17. Public Service Commission.


19. Inspection Team.
20. Compilation of the list of persons debarred from future employment under the Azad Kashmir Government.

22. TRANSPORT DEPARTMENT

1. Administration of the Azad Kashmir Motor Vehicles Act, excepting enforcement of provisions relating to control of traffic and inspection and checking of motor vehicles for the purpose of traffic control.
SCHEDULE III  
PART (A)  

(LIST OF CASES TO BE SUBMITTED TO THE PRESIDENT FOR HIS APPROVAL BEFORE ISSUE OF ORDER)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Summoning, prorogation and dissolution of the Assembly.</td>
</tr>
<tr>
<td>2.</td>
<td>Promulgation of Ordinances.</td>
</tr>
<tr>
<td>3.</td>
<td>Rules of Business: Framing or alteration thereof.</td>
</tr>
<tr>
<td>4.</td>
<td>Ministers:</td>
</tr>
<tr>
<td></td>
<td>(i) their appointment,</td>
</tr>
<tr>
<td></td>
<td>(ii) removal and resignation,</td>
</tr>
<tr>
<td></td>
<td>(iii) terms and conditions of service,</td>
</tr>
<tr>
<td></td>
<td>(iv) allocation of Departments to them and</td>
</tr>
<tr>
<td></td>
<td>(v) disqualification from public office.</td>
</tr>
<tr>
<td>5.</td>
<td>Advocate-General: Appointment, removal, duties and terms and conditions of service.</td>
</tr>
<tr>
<td>6.</td>
<td>Reports relating to the accounts of Azad Kashmir.</td>
</tr>
<tr>
<td>7.</td>
<td>Budget statements to be laid before the Assembly and changes therein.</td>
</tr>
<tr>
<td>9.</td>
<td>High Court:</td>
</tr>
<tr>
<td></td>
<td>(i) Seats of the High Court,</td>
</tr>
<tr>
<td></td>
<td>(ii) recommendations for the appointments of Judges and</td>
</tr>
<tr>
<td></td>
<td>(iii) rules regulating the practice and procedure of the High Court and of Courts subordinate to it.</td>
</tr>
<tr>
<td>10.</td>
<td>Public Service Commission:</td>
</tr>
<tr>
<td></td>
<td>(i) its strength.</td>
</tr>
<tr>
<td></td>
<td>(ii) appointment, removal or resignation of members;</td>
</tr>
<tr>
<td></td>
<td>(iii) their terms and conditions of service;</td>
</tr>
<tr>
<td></td>
<td>(iv) non-acceptance of its advice;</td>
</tr>
<tr>
<td></td>
<td>(v) Annual report.</td>
</tr>
</tbody>
</table>
11. Appeals and Review petitions to President.

12. Making of rules of procedure of the Assembly till rules of procedure are made by the Assembly.


14. Selection Boards:
   (i) in their constitution and
   (ii) cases where it is proposed not to accept their advice.

15. Appointment of officers on the Secretariat staff of the President.

16. Proposals involving any change in the functions or powers of Secretaries, Financial Commissioner, Commissioners and Heads of Attached Departments.

17. Cases regarding the conditions of service or promotion of, or disciplinary action against Class I Officers and above.

18. Appointment and transfers of holders of Class I posts except in the case of Class I A.C.Fs. and Sub-Judges.


20. Mercy petitions against sentences of death passed in criminal cases.

21. Recommendations for the grant of honours and awards.

22. All cases relating to matters which are liable to involve Government into controversy with the Government of Pakistan or with another Provincial Government.

23. All cases which may have a bearing on relations with a foreign Government.

**PART ‘B’**

(List of cases to be submitted to the President for information).

1. (a) All periodical reports by administrative and executive officers of a political nature or relating to law and order, such as the fortnightly reports submitted by Deputy Commissioners and situation reports submitted by
the Inspector General of Police.

(b) All special reports by administrative and executive officers relating to matters which may seriously affect the peace and tranquility of the territory or any part thereof.

(c) All periodical reports of Heads of Departments and proposal action on such reports.

2. Press notes issued by the Information Department.

3. Intelligence Reports.
SCHEDULE IV

(TRANSFER OF OFFICERS AUTHORITIES COMPETENT TO MAKE)

(a) In the Secretariat.
   President through the Services and General Administration Department.

(i) Secretaries
(ii) Other officers of and above the rank of Section Officers.
(iii) Within the same Department but below class I.
(iv) Within the Secretariat from one Department to another.
(v) Officials below the rank of Section officers:
   (a) within the same Department.
   (b) to and from an Attached Department.
   (c) Within the Secretariat from one Department to another.

(b) Heads of Attached Departments and equivalent posts.
   President through the Services and General Administration Department.
### Schedule V Part I

#### Officers in Category I

<table>
<thead>
<tr>
<th>No.</th>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chief Secretary</td>
</tr>
<tr>
<td>2.</td>
<td>Secretaries</td>
</tr>
<tr>
<td>3.</td>
<td>Chairman, Azad Kashmir Public Service Commission</td>
</tr>
<tr>
<td>4.</td>
<td>Commissioner</td>
</tr>
<tr>
<td>5.</td>
<td>Director of Industries</td>
</tr>
<tr>
<td>6.</td>
<td>Inspector General Police</td>
</tr>
<tr>
<td>7.</td>
<td>Chief Conservator Forests</td>
</tr>
<tr>
<td>8.</td>
<td>Chief Engineer</td>
</tr>
<tr>
<td>9.</td>
<td>Director of Agriculture</td>
</tr>
<tr>
<td>10.</td>
<td>Director Animal Husbandry</td>
</tr>
<tr>
<td>11.</td>
<td>Director of Education</td>
</tr>
<tr>
<td>12.</td>
<td>Director Health Services</td>
</tr>
<tr>
<td>13.</td>
<td>Director of Basic Democracies</td>
</tr>
<tr>
<td>14.</td>
<td>Accountant General</td>
</tr>
<tr>
<td>15.</td>
<td>Election Commissioner</td>
</tr>
</tbody>
</table>

#### Officer in Category II

<table>
<thead>
<tr>
<th>No.</th>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Superintending Engineer PWD</td>
</tr>
<tr>
<td>2.</td>
<td>Conservator of Forests</td>
</tr>
<tr>
<td>3.</td>
<td>Deputy Commissioners</td>
</tr>
<tr>
<td>4.</td>
<td>District &amp; Sessions Judges</td>
</tr>
<tr>
<td>5.</td>
<td>Director of Information</td>
</tr>
<tr>
<td>6.</td>
<td>Registrar Co-operatives</td>
</tr>
<tr>
<td>7.</td>
<td>Collector Excise &amp; Taxation</td>
</tr>
<tr>
<td>8.</td>
<td>Director Land Record</td>
</tr>
<tr>
<td>9.</td>
<td>Director Armed Services Board</td>
</tr>
<tr>
<td>10.</td>
<td>Principals of Degree Colleges</td>
</tr>
<tr>
<td>11.</td>
<td>Secretary Legislative Assembly</td>
</tr>
</tbody>
</table>

#### Officers in Category III

<table>
<thead>
<tr>
<th>No.</th>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Superintendents of Police</td>
</tr>
<tr>
<td>2.</td>
<td>District Medical Officers</td>
</tr>
<tr>
<td>3.</td>
<td>Executive Engineers PWD</td>
</tr>
<tr>
<td>4.</td>
<td>Divisional Forest Officers</td>
</tr>
<tr>
<td>5.</td>
<td>Asstt: Inspector General of Police</td>
</tr>
<tr>
<td>6.</td>
<td>Distt: Agriculture Officers</td>
</tr>
<tr>
<td>7.</td>
<td>Asstt: Director of Animal Husbandry</td>
</tr>
<tr>
<td>8.</td>
<td>Collectors Land Acquisition</td>
</tr>
<tr>
<td>9.</td>
<td>Principals Intermediate Colleges</td>
</tr>
<tr>
<td>10.</td>
<td>Inspector of schools</td>
</tr>
<tr>
<td>11.</td>
<td>Assistant Director</td>
</tr>
<tr>
<td>12.</td>
<td>Sub-Judges</td>
</tr>
</tbody>
</table>

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Basic Democracies.

OFFICERS IN CATEGORY IV

All other Gazetted Officers

Note (1): If an officer is performing an additional duty in an ex-officio capacity, he will be deemed in the category of original Department.

Note (2): The powers vested in the officers subordinate to any officer shall also vest in and be exercisable by him.

Note (3): Nothing herein contained shall affect the powers vested in an officer under any statute or under any rules framed under any statute.

__________________
PART III
FINANCIAL POWERS

CATEGORY I

(i) Non-recurring expenditure from contingencies upto a limit of Rs. 1,500/- in each case in respect of the following items where budget provision exists:

1. Purchase of and repairs to bicycles for offices.
2. Grant of conveyance hire to non-gazetted government servant.
3. Electric and Meter charges.
4. Fire protection.
5. Payment of demurrage charges.
6. Purchase of fixtures and furniture,
7. Hire of electric fans, heaters, typewriters, etc.
8. Engagement of inferior servants paid from contingencies.
9. Liveries.
10. Purchase of locks, electric bulbs and scales.
11. Repairs of staff cars and vehicles and hiring of motor vehicles for departmental purposes.
12. Incurring miscellaneous office expenses from contingencies.
13. Incurring postal and telegraph charges including charges for remittance of money due to contractors and for supplies.
14. Purchase of newspapers and technical books.
15. Repairs to, erection and removal of machinery.
16. Payment to Government servants for the supply of drinking water and dusting offices or for acting as night drawers or for similar services in addition to their own duties.
17. Payment of taxes and toll fees.

18. Charges for telephone connection of Government offices with existing telephones system.

19. Repairs to tents and camps furniture.


21. Winding and regulating office clocks, maintenance of call bells.

22. Incurring freight and demurrage charges.

23. Incurring law charges (to be exercised only by Law Secretary).


(ii) Purchase of stores directly of a value not exceeding Rs. 600/-in each case.

(iii) Re-appropriation upto a total of Rs. 3,000/- in one financial year within the budget grant under each main head in accordance with the Rules framed by the Finance Department and subject to conditions laid down by it.

(iv) Sanction of expenditure provided in the budget according to the rules framed by the Finance Department.

**CATEGORY II**

(i) Sanction non-recurring expenditure from contingencies not exceeding Rs. 250/- P.M. in each case where budget provision exists, in respect of the following items: -

1. Repairs to bicycles for offices.

2. Grant of conveyance hire to non-gazetted government servants.

3. Electric and water charges.

4. Fire protection.
5. Payment of demurrage charges.


7. Purchase of locks, electric bulbs and scales.

8. Repairs of staff cars and vehicles.

9. Incurring postal and telegraph charges including charges for remittance of money due to contractors and supplies.


12. Payment of taxes and roll fees.

13. Charges for telephone connection of government offices with existing telephone system.


15. Winding and regulating office clocks, maintenance of call bells.

16. Incurring freight and demurrage charges.

**CATEGORY III**

Sanction non-recurring expenditure from contingencies upto a limit of Rs. 100/- in each case where budget provision exists.

**CATEGORY IV**

Sanction non-recurring expenditure from contingencies upto Rs. 50/- in each case where budget provision exists:

Provided that the President, the Chief Secretary, a Secretary or with the approval of the Government a Head the Department, with the approval of the Head of any other officer, may delegate his powers relating to grant of leave all kinds, sanction of annual increments, appointment, transfers, and disciplinary action to any of his subordinate officers, not below the rank of a gazetted officer.
ORDER

The President, Azad Government of the State of Jammu and Kashmir has been pleased to sanction the following additions and amendments to the existing Rules of Business:-

(i) "Provided further that the President may delegate all or any of his powers except those mentioned in Rule-10 and schedules III and IV of these Rules to the Presidential Assistant". This proviso shall be added to schedule V part-III after the description given at the end of category IV.

(ii) "Restoration of the Department of Sericulture to the industries Department, the word "Sericulture" shall be deleted from item-10-A of the Forest Department and added as item 14 to the "Industries and Mineral Resources Department". Occurring at Serial No. 13 of schedule - II.

Sd/-

(Abdul Khaliq Khan)
TQA,
Addl. Chief Secretary.

VOLUME III: 1971-1973

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
CIVIL SERVICES PENSION RULES

CHAPTER I
GENERAL

1.1. **Short title:** These rules may be called the Azad Kashmir civil Services Pension Rules.

1.2. **Commencement:** These rules shall have effect from 18.3.1969 in respect of Non-Gazetted Government servants and from 1.7.1970 in respect of Gazetted Officers.

1.3. **Extent of application:** Unless in any case it be otherwise expressly provided, these rules shall apply to:


   (iii) All Non-Gazetted Government servants who were in service on or before 18.3.1969 and all Gazetted Government servants who were in service on or before 1.7.1970, unless they opt to continue to be governed by the existing rules applicable to them;

   (iv) All pensioners who retired from Government service after 18.3.1969 (in case of Non-Gazetted Government servants) or after 1.7.1970 (in case of Gazetted Government servants), but before the date of publication of these rules, if they opt to be governed by these rules.

   **Note:** In the case of Government servants or pensioners who were in service on and after the date of commencement of these rules but died before publication of these rules, it will be assumed that they opted for these rules.

1.4. **Option:** Government servants and pensioners mentioned in
clauses (iii) and (iv) of rules 1.3 above may exercise option within a period of six months from the date of publication of these rules in Azad Kashmir Gazette. The option shall be communicated in writing to the Accountant General Azad Government of the State of Jammu and Kashmir as well as the appointing authority in the case of Gazetted or retired Gazetted officers, and to the appointing authority in the case of Non-Gazetted or retired Non-Gazetted staff, and the option once so exercised shall be final. Government servants who fail to exercise option within the stipulated period shall be assumed to have opted for the Azad Government of the State of Jammu and Kashmir Civil Service pension rules.

1.5. **Note:** The Accounts officer should acknowledge the receipt of option communicated to him by Gazetted officers. These rules shall not apply to:

(i) Government servants paid from Contingencies or born on Workcharge Establishment.

(ii) Government servants engaged on contract which contains no stipulation for pension under these rules.

(iii) any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.

(iv) any Government servant or class of Government servants who may be excluded by a competent authority from the application of these rules;

(v) any Government servant who holds a post which has been declared by a competent authority to be non-pensionable;

(vi) any person whose whole-time is not retained for public service but is merely paid for work done such as Public Prosecutors and Advocate General not debarred from private practice;

(vii) any person who is not paid from the Azad Kashmir Government revenues but is paid from a fund held by Government as a Trustee, or from a local fund, or is remunerated by fees for the grant of a tenure of land or any other source of revenue or of a right to collect money.
1.6. **Definitions:**

(i) Unless expressly specified otherwise in these rules the terms "used" in these rules have the same meaning as defined in Azad Kashmir Service Regulations;

(ii) "Pension" except when the term "pension" is used in contradiction to Gratuity, pension includes Gratuity;

(iii) "Class IV Services" Class IV Services means any kind of Service which, may be specifically classed as such by the Government.

(iv) "Superior Service" Superior Service means any kind of service which is not class IV service.

(v) "Ordinary Pension" Ordinary Pension means pension other than extraordinary pensions;

(vi) "Full Pension" Full pension means the amount of ordinary pension admissible including ¼th of the surrendered portion of the pension.

(vii) "Pay" Pay means the amount drawn monthly by Government servant as:

1. the pay other than Special Pay or pay granted in lieu of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

2. technical pay, special pay and personal pay; and

3. any other emoluments which may be specially classed as pay by the President.

1.7. In any where pension or gratuity is not admissible under these rules, the competent authority may grant a pension which will, not save in most exceptional circumstances, exceeding Rs. 100/- a month or a Gratuity not exceeding the equivalent value of that amount, provided that general spirit of the rules is observed.

1.8. (a) Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave mis-
conduct either during or after the completion of his service, provided that
before any order of this effect is issued, the procedure regarding
imposition of the penalty of removal from service shall be followed.

(b) Government reserves to themselves the right of recovery from the pension
of Government pensioner on account of losses found in judicial or
departmental proceedings to have been caused to Government by the
negligence, or fraud of such Government pensioner during his service,
provided that such departmental proceedings shall not be instituted after
more than a year from the date of retirement of the Government pensioner.

(c) In case the amount of pension granted to a Government servant be after-
wards found to be in excess of that to which he is entitled under the rules,
he shall be called upon to refund such excess.

1.9. No pension may be granted to a Government servant dismissed or remove for
misconduct. Corruption, subversive activities or inefficiency, but if he deserves
special consideration he may be granted a compassionate allowance not
exceeding 2/3 rd of the pension which would have been admissible to him had
he retired on invalid pension.

CHAPTER II
Service Qualifying for Pension

2.1. **Conditions of qualifications:** The service of a Government servant does not
qualify for pension unless it conforms to the following three conditions:-

First- The service must be under Government.
Second- The service must not be non-pensionable.
Third- The service must be paid by Government from their revenues.

Note:- (1) For the previous service of displaced Government servants who
qualifies for pension see Chapter VII.

Note:- (2) Service rendered after retirement on superannuation pension retiring
pension shall not count for pension or gratuity.
2.2. **Beginning of Service**: Subject to any special rules, the service of a Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

2.3. **Temporary and officiating service**: Temporary and officiating service shall count for pension as indicated below:-

(i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and

(ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity.

2.4. **Service in a temporary post on abolition of a permanent post**: If a permanent post on which a Government servant holds a lien, is abolished under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

2.5. **Apprentices and probationers**: (1) One-half of the period of apprenticeship qualifies for pension.

(2) The service of a probationer who is subsequently confirmed in a permanent post without interruption qualifies for pension.

2.6. **Training**: The time spent by a Government servant in approved training shall count as service qualifying for pension.

Note:- The period of training before actual appointment to Government service shall not count for pension.

2.7. **Leave**: All leave (other than extraordinary leave without allowances) counts as qualifying service for purposes of pension.

2.8. **Military service**: (1) Military pensionable service rendered after attaining the age of 20 years, which terminates before a pension has been earned in respect of it, when followed by civil pensionable service, counts as part of such service, provided that any bonus or gratuity received in lieu of pension on or since discharge from military service shall be refunded in lump sum or in monthly installments not exceeding 36.

2.9. **Deputation**: Time spent by a Government servant, holding
pensionable post on deputation to (1) another Government (2) foreign service, or (3) service in a temporary or non-pensionable post under Government counts for pension as if it were a time spent under the Government.

2.10. **Suspension:**- If a Government servant is suspended from service pending enquiry into his conduct, the period of suspension counts for pension if it is immediately followed by reinstatements, unless the Government servant is reinstated with forfeiture of a part of his pay or allowances for the period of suspension,

2.11. **Forfeiture of past service:**- A Government servant forfeits his past service in the following cases:-

(a) Resignation of a post unless it is to take up another post service in which counts for pension.

(b) Removal or dismissal from service.

(c) Absence from duty without leave.

Note- The authority which sanctions the pension may commute retrospectively period of absence without leave into extraordinary leave.

2.12. **Condonation of interruptions and deficiencies:**- (1) The Administrative Department may for purpose of pension condone all gaps between periods of service, of a Government servant.

(2) The Administrative Department may condone deficiency in qualifying service for pension up to 6 months provided the service is meritorious, and the condonation, if allowed, will bring the service up to 25 completed years of qualifying service.

**CHAPTER III**

**Different Kinds of Ordinary Pension and Conditions for their grant.**

3.1. **Classifications of pension:**- Pensions are divided into four classes:

(a) Compensation Pension.

(b) Invalid Pension.
(c) Superannuation Pension.

(d) Retiring Pension.

Note:- Special additional pension is also granted to certain classes of Government servants under special circumstances.

3.2. **Compensation pension**: if a permanent Government servant is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of that post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equivalent to those of his own, have the option:

(a) of taking any compensation pension and/or gratuity to which he may be entitled for the service he has already rendered; or

(b) of accepting another post or transfer to another establishment even on a lower pay, if offered and continuing to count his previous service for pension.

3.3. **Invalid pension**: (1) An invalid pension is awarded on his retirement from Government service, before reaching the age of superannuation to a Government servant who by bodily or menial infirmity is permanently incapacitated for further service on production of a medical certificate prescribed in sub-rule (3).

(2) A Government servant who wishes to retire on invalid pension, should apply to his head of Office or Department/ Attached Department who should direct him to present himself before a Medical Board or an Invaliding Committee or a Medical Officer for obtaining a medical certificate of incapacity for further service in the following forms:-

"Certificate that I (we) have carefully examined A.B., son of C.D., a.................in the..............His age is by his own statement.............years, I (we) consider A.B., to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence of..............(here state disease or cause).

Note:- (1) If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made:
I am (we) are of opinion that A,B is fit for further service of a less laborious character than that which he has been doing (or may after resting for.............months, be fit for further service of a less laborious character than that which he has been doing).

Note:- (2) A medical certificate from a Medical Board or an Invaliding Committee shall be required in the case of a gazetted Government servant.

Note:- (3) A Government servant who has submitted a medical certificate of incapacity for further service should be invalided from service on receipt of the medical certificate, or from the date of expiry of leave if already on leave, or has been granted leave as a special case.

3.4. **Superannuation Pension**:- A superannuation pension is granted to a Government servant who retires or is retired from Government service on or after attaining the age of 55 years in case of superior service or Class IV service followed by superior service, and on or after, attaining the age of 60 years in case of Class IV service.

3.5. **Retiring Pension** :- A retiring pension is granted to a Government servant who:

(i) opts retire after 25 years qualifying service or such less time as may for any special class of Government servant be prescribed; or

(ii) is compulsorily retired from service by the authority competent to remove him from service on grounds of inefficiency, misconduct or corruption.

**CHAPTER IV**

**Amount of Ordinary Pensions**

**Section I**

**General**

4.1. (1) The amount of pension that may be granted is determined by length or completed years of qualifying service of a Government servant as set forth in rule 4.4;

(2) pension is fixed in rupees and should be calculated to the
nearest paisa.

4.2. It the service of a Government servant has not been thoroughly satisfactory the authority sanctioning the pension may make such reduction as it may think properly the amount of pension.

SECTION II
Amount of full Pension

4.3. **Amount of full pension:** (1) After a qualifying service of not-less then 10 years, full superannuation, retiring, invalid or compensation pension may be granted not exceeding the maximum limits prescribed below:-

<table>
<thead>
<tr>
<th>Completed years or qualifying service</th>
<th>Scale of pension expressed as fraction of average emoluments</th>
<th>Maximum limits of pensions per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>10/50</td>
<td>250</td>
</tr>
<tr>
<td>11</td>
<td>11/50</td>
<td>275</td>
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<tr>
<td>12</td>
<td>12/50</td>
<td>300</td>
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<tr>
<td>13</td>
<td>13/50</td>
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<td>30 and above.</td>
<td>30/50</td>
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Note- Any amount in excess of Rs. 600 P.M. calculated in accordance with the scale shown in column (2) of this Table shall be reduced by 50% and the maximum limits shown in column (3) shall be applied thereafter.
The term average emoluments of a Government servant means the average of the pay that he drew, or would have drawn had he not been on leave with leave salary or on Joining time or under suspension which is not adjudged as a penalty, during the last 3 years immediately before his retirement. If during the last 3 years of his service a Government servant has been absent from duty on leave without pay or has been under suspension as a form of penalty, the periods so passed should be disregarded in the calculation of the average emoluments and an equal period before the three years should be included.

SECTION III
A-Gratuity and Pension Benefits

4.4. (1) Every Government servant in pensionable service shall surrender ¼th of the full monthly pension admissible to him under the rule 4.3.

(2) In the case of a Government servant who has rendered 5 years service or more but less than 10 years qualifying service, a gratuity equal to 10 months emoluments subject to a maximum of Rs. 10,000, shall be granted to him on retirement or to his family in the case of his death while in service.

(3) In the event of retirement or death of a Government servant who has rendered qualifying service for 10 years or more:

(a) A gratuity shall be granted to him or to his family in the case of his death calculated at the following rate for each rupee of his pension surrendered under sub-rule (1) above.

<table>
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<th>Rs.</th>
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<tr>
<td>If qualifying service is 10 years or more but less than 15 years.</td>
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<tr>
<td>If qualifying service is 15 years or more but less than 20 years.</td>
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<tr>
<td>If qualifying service is 20 years or more but less than 25 years.</td>
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<tr>
<td>If qualifying service is 25 year or more</td>
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</table>

(b) In the event of his death before retirement payment shall be made to his family for 5 years at the rate of 50 per cent of the
full pension calculated as in sub-rule (3) and in the case of death after but within 5 years of retirement payment shall be made to his family at the rate of 50 per cent of the reduced pension i.e. the amount of pension remaining after surrendering ¼th thereof under sub-rule (1) above and after commutation, if any, for the unexpired portion of 5 years.

(4) In the event of death before retirement pension for the purposes of this rule shall be calculated as if the Government servant retired on invalid pension on the date of his death but it shall be admissible from the day following the death of the Government servant.

Note:-(1) The commutation if pension subject to the general limitation will be allowed up to half of full pension.

Note:-(2) The gratuity payable in lieu of ¼th of the pension surrendered is exempt from Income-tax.

Note:-(3) Gratuity payable under sub-rule (3) (a) of this rule should be worked out on the fraction of a rupee of the surrendered pension calculated 10 the nearest Paisa.

Note:-(4) Anticipatory pension will also be admissible to the family of the Government servant in the event of his death before retirement. In such cases the gratuity admissible to the family under sub-rule (3) (a) of this rule will be calculated on 25 per cent of the amount of pension on which the anticipatory pension to the family is based.

Note:-(5) This rule will also apply to the compassionate allowance.

**B-GRATUITY**

4.5. (1) The term "family" for the purpose of payment of gratuity under this section shall include the following relatives of the Government servants:

(a) Wife or wives, in the case of a male Government servant;

(b) Husband in the case of a female Government servant;

(c) Children of the Government servant;
(d) Widow or widows and children of a deceased son of the Government servant,

Note:- (i) A Child means a legitimate child or an "adopted child" if under the personal law of the Government servant concerned adoption is legally recognised as conferring the status of a natural child.

Note:- (ii) If it is proved that the wife has been judicially separated from the Government servant, or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she will no longer be deemed to be a member of the family unless the Government servant has himself intimated in writing to the Accountant General/head of the Office that she will continue to be so regarded.

Note:- (iii) In the case of a female Government servant if the wife intimates in writing to the Accountant General/Head of the Office that her husband should not be included as a member of family, then he will no longer be considered a member of the family unless subsequently she cancels in writing her intimation excluding him.

(2) A Government servant may, as soon as he/she completes 5 years qualifying service, make a nomination centering on one or more members of his/her family, or if he/she has no family, on one or more persons, the right to receive any gratuity that may be sanctioned under rule 4.4. and any gratuity which having become admissible to him/her has not been paid to him/her before death.

Explanation:- It is not mandatory for a Government servant to make a nomination.

(3) A nomination in favour of a person not a member of the family made when the Government servant had no family shall lapse on the Government servants acquiring family.

(4) If a Government servant nominates more persons than one under sub-rule (2) above, he/she shall specify in the nomination the amount or share payable to each nominee in such manner as to dispose of the whole amount of gratuity mentioned therein.

(5) A Government servant may provide in a nomination:
(a) in respect of any specified nominee, that in the event of his/her predeceasing the Government servant the right conferred upon that nominee in sub-rule (2) above shall pass to such other member or members of the Government servant's 'family' as may be specified in the nomination;

(b) that the nomination shall become void in the event of happening of a contingency specified therein.

(6) Every nomination shall be in Form IV (Pen.), or Form 2 (Pen.) as may be appropriate in the circumstances of the case;

(7) A government servant may, at any time, cancel a nomination by sending notice in writing to the appropriate authority, and send a fresh nomination if he/she so desires, along with such notice.

(8) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under sub-rule (5) (a) above or on the occurrence of any event by reason of which the nomination become void under sub-rule (3) or sub-rule (5) above, the Government servant shall send to the appropriate authority a notice in writing formally cancelling, the nomination together with a fresh nomination, if any.

(9) Every nomination made, and every notice of cancellation given by a Government servant under this rule shall be sent by the Government servant to Accountant General as well as to the Appointing Authority in the case of a Gazetted Officer and to the Head "of his/her office in the case of a Non-Gazetted officer. Immediately on receipt of a nomination from a Non-Gazetted Government servant, the Head of the Office shall countersign indicating the date of receipt and keep if in his custody.

(10) Every nomination made and every notice of cancellation given by a Government servant shall, to the extent that it is valid, take offer from the date of which it is received by the authority mentioned in sub-rule (9) above.

4.6. When the amount of gratuity has become payable, it shall be the duty of the Accountant General to make payment according to the following procedure:-

(a) The amount of the gratuity or any part thereof to which the nomination relates, shall become payable to his/her nominee
or nominees in the proportion specified in the nomination.

(b) If nomination relates only to a part of the amount of the gratuity, the part which it does not relate shall be distributed equally only among the members of the family other than the nominees;

(c) If no valid nomination subsists, the whole amount of the gratuity shall become payable to the members of his/her family in equal shares;

Provided that in case of (b) above no share shall be payable to:

(i) sons who have attained the age of 24 years;

(ii) sons of a deceased son who have attained the age of 24 years;

(iii) married daughters whose husbands are alive; and

(iv) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in sub-clauses (i) (ii) (iii) and (v) above;

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived that Government servant and had been exempted from the operation of the first proviso.

(d) when the Government servant leaves no family and the whole or part of the gratuity is not covered by valid nomination, the amount of gratuity shall be payable to the following surviving relatives, if any, of the Government servant in equal shares:-

(1) brothers below the age of 21 years;

(2) unmarried and widowed sister;

(3) father, and
Note:- In the absence of any other eligible claimant gratuity would be payable to the sons and daughters of the deceased Government servant in equal shares even if the sons are over 24 years old and the daughters are married and their husbands are alive.

4.7. No gratuity will be payable by Government after the death of a Government servant if he/she does not leave a valid nomination or a family as defined in sub-rule (1) or rule 4.5. or an eligible dependent relative or relatives specified in clause (d) of rule 4.5.

C-FAMILY PENSION

4.8. (1) family for the purpose of payment of family pension shall be as defined in sub-rule (1) of rule 4.5. It shall also include the Government servant’s relatives mentioned in clause (d) of rule 4.6;

(2) (A) A family pension sanctioned under this section shall be allowed as under:-

(i) (a) To the widow of the deceased, if the deceased is a male Government servant, or to the husband, if the deceased is a female Government servant.

(b) If the Government servant had more than one wife, and the number of his surviving widows and children do not exceed 4, the pension shall be divided equally among the surviving widows and eligible children. If the number of surviving widows and children together is more than 4, the pension shall be divided in the following manner viz, each surviving widow shall get 1/4th of the pension and the balance (if any) shall be divided equally among the surviving eligible children. Distribution in the above manner shall also take place whenever the Government servant leaves behind surviving children of a wife that has predeceased him in addition to the widow and her children, if any.

(c) In the case of a female Government servant leaving behind children from a former marriage in addition to her husband and children by her surviving
husband, the amount of pension shall be divided equally among the husband and all eligible children. In case the total number of beneficiaries exceeds four, the husband shall be allowed ¼th of the pension and the remaining amount distributed equally among the eligible children.

(ii) failing a widow or husband, as the case may be, the pension shall be divided equal among the surviving sons not above 24 years and un-married daughters.

Note:- In working out the" share of the various heirs under sub-clause.

(A) (i) and (ii), the amount should be calculated to the nearest paisa.

(iii) Failing (i) and (ii), to the eldest widowed daughter.

(iv) Failing (i) to (iii), to the oldest widow of a deceased of the Government servant.

(v) Failing (i) to (iv), to the eldest surviving son of a deceased son of the Government servant.

(vi) Failing (i) to (v), to the eldest unmarried daughter of deceased son the Government servant.

(B) If the family pension is not payable under clause (A), it may be granted:

(i) to the father;

(ii) failing the father, to the mother;

(iii) failing the father and the mother, to the eldest surviving brother below the age of 21 years;

(iv) Failing (i) to (iii), to the eldest surviving unmarried sister; if the eldest sister marries or dies then the next eldest;

(v) failing (i) to (iv), to the eldest surviving widowed sister.

(3) No family pension shall be payable under this section:
(a) to an unmarried female member of a Government servant's family in the event of her marriage.

(b) to a widowed female member of a Government servant's family in the event of her remarriage.

(c) to the brother of a Government servant on his attaining the age of 21 years.

(d) to a person who is not member of a Government servant's family.

(4) A family pension awarded under this section shall not be payable to more than one member of a Government servant's family at the same time except as provided for in sub-clause (A) (i) and (ii) of sub-rule (2) above.

(5) (a) If the pension ceases to be granted before the expiry of the period for which it is admissible on death or marriage of the recipient or on account of other causes to persons falling under sub-clauses (A) (i) and (ii) of sub-rule (2) above, the amount shall be granted to other recipients in equal shares.

(b) If a family pension awarded under this section other than that mentioned in clause (A) (i) and (ii) of sub-rule (2) of this rule ceases to be payable before the expiry of the period up to which it is admissible on account of death or marriage of the recipient or other causes, it shall be regranted to the person next lower in order mentioned in sub-rule (2).

(6) Government shall have discretion to make such modification in the mode of allotment or conditions set forth in sub-rules (2) to (5) above as they may consider desirable to suit the special circumstances of the beneficiaries.

(7) A family pension sanctioned under this section shall be payable in addition to any extraordinary pension or gratuity that may be planted to the members of a Government servant's family under any other rules in force for the time being.

(8) Future good conduct of the recipient is an implied condition of every grant of a family pension under this section.
D-GENERAL

4.9. (i) The rules which apply to the grant of ordinary pension to Government servants shall also apply in respect of gratuity and pension that may be sanctioned in favour of their families under this section in so far as such rules are not inconsistent with the provisions of this section.

(ii) Government shall have the right to effect recovery from such gratuity or pension in the same circumstances as recoveries can be effected from ordinary pension and gratuity granted to Government servants.

(iii) A gratuity or pension to the family may be sanctioned under this section by the authority competent to sanction pension to the Government servant concerned after giving the regard to the provisions of Rule 4.2.

Note:- The sanctioning authority may allow the payment of family pension and/or shares of gratuity admissible to minor children of a deceased Government servant to their mother. In case the mother is not alive or wife judicially separated from the Government servant in his life time, the sanctioning authority may nominate any suitable person to be the guardian of such minor children for the purpose of receiving payment of pension and/or shares of gratuity on their behalf. In case the deceased Government servant was a female, the sanctioning authority may under similar circumstances allow the payment of pension and/or shares of gratuity of minor children of the deceased to their father, or if the father be not alive to such guardian as may be appointed by the sanctioning authority.

CHAPTER V
Applications for Grant of pension

5.1. All authorities dealing with applications for pensions under these rules should bear in mind that delay in the payment of pensions involves peculiar hardship. It is essential to ensure, therefore, that a Government servant begins to receive his pension; on the date on which it becomes due.

5.2. The responsibility for initiation and completion of pension papers is that of the Head of Department Attached Department.
concerned in the case of gazetted Officers, and of the Head of Office concerned in the case of non-gazetted Government servants. The action should be initiated one year before a Government servant is due to retire, so that pension may be sanctioned a month before the date of his retirement. For this purpose every Government servant should be asked to submit his pension application in Form 3 (Pen.) 6 months in advance of the date of his retirement provided that:

in cases in which the date of retirement cannot be foreseen 6 months in advance, the Government servant may be asked to submit his pension application immediately after the date of his retirement is known.

"Hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension or gratuity is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and to the orders which may be passed there on".

(2) The Head of Department/Attached Department/Office concerned shall, certify in the pension application form whether the character, conduct and past services of the Government servant concerned are such as to entitle him to the favourable consideration of Government. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.

(3) All periods of leave, suspension, etc, which are not reckoned as service qualifying for pension shall be carefully recorded on the form.

(4) If that application is for an invalid pension, the requisite medical certificate shall be attached to the application.

5.4. (1) After completing the application in the manner prescribed in the preceding rule it shall be forwarded along with the necessary documents to the Audit Officer through the authority empowered to sanction the pension.

(2) The applicant for pension gratuity shall submit the last pay certificate and No demand certificate as soon as possible after the submission of the application for pension gratuity. The Audit Officer shall not issue the pension gratuity payment order until
these certificates have been received by him.

(3) The authority competent to sanction the pension shall record on the application after due consideration of the facts of the case his provisional recommendation shall whether the pension claimed should be admitted or not.

5.5. (1) The non-gazetted service of a Government servant in the application form shall be verified by the Head of Office concerned from official records, for example service book or roll, pay bill or acquittance rolls, etc.

(2) If it be found impossible to verify the service otherwise a written statement of the applicant shall be taken on plain paper, and such collateral evidence a may be procurable shall be collected, for instance, certificates given by an officer to a subordinate on his leaving the office and the testimony of contemporary Government servants.

Note:- The power to admit service verified under this clause may be exercised by all authorities empowered to sanction pension.

(3) In cases where some portion of pensionable service was rendered in occupied Jammu and Kashmir State but certificate of local verification of service was not recorded in the service book for any particular period, steps shall be taken to verify that service from available records, if any, such as personal files, gradation lists, pay bills, acquittance rolls etc. Where none of the records are available, a written statement of the Government servant concerned should be taken on a plain paper accompanied by the testimony of contemporary Government servants as in sub-rule (2) above. Such declaration should be placed on record in service book in lieu of local verification for service for that period.

(4) The Head of Office/Department/Attached Department concerned shall then arrange with the application all the documents relied upon for the verification, of non-gazetted service claimed in such manner that they can be conveniently consulted, and forward them together with the Government servant's service book or service roll as the case may be, and the statement in the second page of the pension application form dmy completed up-to-date (and the last pay certificate, if necessary) through the authority empowered to sanction the
pension to the Audit Officer.

5.6. On receipt of the pension papers the Audit Officer shall apply the requisite checks. If in cases in which the authority competent to sanction the pension has recorded its provisional recommendation under sub-rule (3) of rule 5.4. the Audit Officer finds that the claim is in order, he shall prepare the pension payment order forthwith in Form 4 (Pen.) but shall not issue it more than a fortnight in advance of the date on which the Government servant is due to retire, intimating the fact of issue to that authority. In other cases he shall certify as to the correctness of the calculations of service and pension, and return the pension papers to the authority competent to sanction the pension with a report on the claim for pension and the rules applicable to the case. He shall retain the last pay certificate unless the pension is to be paid in another circle of audit in which case he shall forward the certificate to the Audit Office of that circle along with a copy of the orders sanctioning the pension.

5.7. (1) A pension/gratuity which is certified by the Audit Officer shall be sanctioned by the authority competent to sanction the pension.

(2) Orders sanctioning the pension may issue not more than one month in advance of the due date of retirement and the Audit Officer may issue the pension/pension payment order not more than a fortnight in advance thereof to the Treasury Officer who is to pay the pension/gratuity.

5.8. **Date of commencement of pension:** Apart from special orders, an ordinary pension is payable from the date on which the pensioner ceases to be in Government service. A gratuity (other than anticipatory gratuity) shall be paid in a single sum.

5.9. **Place of Payment:** A pension/gratuity is payable in rupees at any Government Treasury in Azad Kashmir.

**CHAPTER VI**

**Anticipation Pension/Gratuity**

6.1. When a Government servant is likely to retire before his pension can be finally assessed and sanctioned in accordance with the rules, the authority competent to sanction pension may sanction
an anticipatory pension in the manner shown below:

(i) Where pension does not exceed Rs. 100 per mensem, the anticipatory pension may be allowed in full on the basis of the calculations made by the authority sanctioning the pension.

Note:- The authority responsible for sanctioning the pension and the Audit Officer concerned should finalize the pension case quickly so that there is no excess payment, and if any, it is adjusted as quickly as possible.

(ii) In case where the pension exceeds Rs. 100 per mensem, the anticipatory pension is to be restricted to 4/5th of the amount calculated during the initial period of 3 months. After three months full amount admissible as calculated shall be paid even if the case is not finalized.

Note:- If the pension papers are not verified by the Audit Officer till one month before the retirement of the Government servant in question, the action as in rule above shall be taken by the sanctioning authority.

6.2. The payment of anticipatory pension shall be made only after the declaration given in Form 5 (Pen) has been obtained duly signed from the retiring Government servant.

6.3. The authority sanctioning pension shall ensure that pension is finally sanctioned as soon as possible.

6.4. The letter sanctioning the anticipatory pension in Form 5 (Pen) shall be addressed by the sanctioning authority to the Audit Officer. A copy of the sanctioning letter shall also be endorsed to the retiring Government servant and the Treasury Officer of the Treasury at which the pension is to be drawn.

6.5. This letter will constitute sufficient authority for drawal of anticipatory pension at the Treasury in question pending finalisation of the pension case. The pension payment orders appended to such letter should be dealt with in accordance with the instructions contained in West Pakistan Subsidiary Treasury rules and a Register of anticipatory pension payment order maintained in the same form prescribed for regular pensions.

Note:- Before forwarding pension papers to the Audit Officer
for scrutiny the sanctioning authority should enter brief particulars of the case in a register to be maintained specially for this purpose. The register should indicate the name of the Government servant due to retire the date of his retirement and the amount of pension due to him as per details passed on to the Audit Officer.

6.6. If the authority competent to sanction pension considers it likely that in a case contemplated in Rule 6.1. above, the Government servant would be entitled to a gratuity, one-sixth of 65 per cent of the amount of such probable gratuity should, upon a similar declaration be disbursed to him monthly for a maximum period of six months until the amount is finally settled. Rule 6.2. to 6.4. above would mutatis mutandis apply in such cases.

6.7. The payment of the anticipatory pension/gratuity shall be arranged to that it is not delayed beyond the first day of month following the month in which the Government servant is due to retire.

6.8. If, upon the completion of regular investigation, it be found that pension. This summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payment. Further, if anticipatory gratuity proves to be larger than the amount round actually due upon completion of the enquiries, the Government servant shall be required to refund any excels actually paid to him.

CHAPTER VII
Grant of Pensionery Benefits to Displaced Government Servants

7.1. A displaced Government servant who migrated to Pakistan or Azad Kashmir Territory prior to 31-12-1961 shall be entitled to count his previous service to words pension under Azad Government of the State of Jammu and Kashmir provided the service rendered by him under Dogra Regime was pensionable under the rules of that Government.

7.2. Leave taken with or without allowances during the service with Dogra Regime shall be counted towards pension in accordance with rules enforce in Azad Kashmir.

7.3. The break in service occurring between termination of employment under the Dogra Regime and first appointment in
Azad Kashmir shall be treated as condoned.

7.4. (a) A displaced Government servant claiming the benefit of his previous pensionable service should furnish a statement showing the details of the service to the authority competent to sanction his pension in Azad Kashmir. The statement should be accompanied by a documentary evidence such as Service book, extract from History sheet or other equivalent record.

(b) A statement of leave taken on full pay or half average pay or without pay, unless this information is already available in service record.

(c) A certificate that no pension in respect of previous service was sanctioned.

(i) In case the records mentioned at 'A' in sub-rule (1) are not available a written statement of the Government servant concerned should be taken on plain paper accompanied by the testimony of the two contemporary Government officers duly attested by a Magistrate 1st class.

7.5. The authority competent to sanction the pension should check the statement and forward it to the Accountant General after authentication.

7.6. The prescribed check of pensionable service against Establishment Return is specifically waived in the case of displaced Government servants in respect of service rendered by, them under Dogra Regime.

CHAPTER VIII
Commutation of Civil Pension

8.1. A competent authority may sanction the commutation for lump sum payment of a portion not exceeding one half (including ¼th of the surrendered portion) of any pension which has been or is about to be granted under these rules.

8.2. (1) An application for commutation should be submitted in Part I of Form 6 (Pen) through the Head of the office in which the applicant is or was employed or if he is or was himself the Head
of the Office through the Head of the Department/Attached Department.

(2) The Head of the Office or the Head of the Department/Attached Department shall forward the applications to the Accountant General.

(3) The Accountant General shall complete Part II of Form 7 (Pen) without delay and transmit it to the authority competent to sanction the commutation.

8.3.  (1) The authority competent to sanction commutation shall thereupon accord its administrative sanction in Part III of Form 6 (Pen) and transmit to the applicant on Form 7 (Pen) a certified copy of the Accounts Officer's certificate contained in Part II of Form 6 (Pen) of lump sum payable on commutation and one copy reported by the proper medical authority to be fit subject for commutation and one copy of Form 8 (Pen) Part I of which is to be filled in by the applicant before his medical examination and handed to the medical authority.

(2) The sanctioning authority shall further instruct the applicant to appear for examination before the said medical authority within three months from the date of its order, or if he has applied for commutation in advance of the date of his retirement, within three months of the date, but in no case earlier than the actual date of retirement.

(3) The sanctioning authority shall forward to the Health Department in original the completed Form 6 (Pen) together with a copy of Form 8 (Pen) and an extra copy of Part III of that form; and if the applicant has been granted an invalid pension, or has previously commuted any portion of the pension or declined to accept commutation on the basis of an addition of years to his actual age, or has been refused commutation on medical grounds, copies of the previous medical reports of statement of his case.

8.4.  The Health Department shall arrange for the medical examination of the applicant by the proper medical authority at the nearest available station to that named by the applicant in Part I of form 6 (Pen) and as early as possible within the period prescribed and inform the applicant directly. The form and other documents should be transmitted by the Health Department to the examining medical authority.
Note:- The term 'medical authority' means (i) the Standing Medical Board or the Standing Invaliding Committee in the case of Gazetted Government servants and also in the case of Non Gazetted Government servants drawing pay not less than Rs. 400 at the time of retirement; and (ii) the Medical Superintendent District Health Officer in the case of all other Non-Gazetted Government Servants.

8.5. (1) The medical authority after obtaining from the applicant, a statement in Part I of Form 8 (Pen) (which must be signed in its presence) shall subject him to a strict examination enter the results in Part II and complete the certificate contained in Part III of Form 8 (Pen) and in the case of Non-Gazetted Government servants other than those specially exempted by Government, obtain in its presence the left hand thumb and finger impressions.

(2) If the examination is conducted by a single medical officer, the applicant shall himself pay the medical officer's fee for examination.

If he is examined by a medical board or committee he shall pay a fee of Rs.4 into a Government treasury and make over the receipt for the fee to the Medical Board or committee before examination together with an additional fee of Rs. 12 in cash to be retained and divided by the members of the Board of the committee as the case may be, among themselves.

Note:- No fee will be payable for medical examination in case the full pension, of the applicant does not or is not likely to exceed Rs. 100 per mensem.

(3) The medical authority shall without delay forward the completed Form 6 (Pen) and 8 (Pen) in original to the Accounts Officer who gave the certificate contained in part II of Form 6 (Pen) regarding the Commutation amount admissible to the applicant, and certified copy of the completed From 8 (Pen) to the sanctioning authority. A certified copy or the medical certificate in Part III of Form 8 (Pen) should be given to the applicant on the spot after medical examination.

8.6. If the medical examination does not take place within the period prescribed in the sanctioning order, or if the applicant does not appear for examination before the medical authority within the
prescribed period the sanctioning authority may renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may without obtaining a fresh application for (1) commutation of pension. The applicant may withdraw his application by written notice despatched at any time before the medical examination is due to take place, but his option shall expire on his appearance before a medical authority, provided that if the medical authority direct that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice despatched within two weeks from the date on which he receives intimation of the received sum payable on commutation, or, if the sum is already stated in the sanctioning order, within the finding of the medical authority. If the applicant does not withdraw in writing his application within period of two weeks prescribed above he shall be assumed to have accepted the sum offered.

8.7. Subject to the provisions contained in rule 8.8 and to the withdrawal of an application under rule 8.6. the commutation shall become absolute, that is, the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue on the date on which the medical authority signs the medical certificate.

8.8. If the applicant makes any statement found to be false within his knowledge or willfully suppresses any material fact in answer to any question written or oral put to him in connection with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made; and such a statement or suppression may be treated as grave misconduct for the purpose of rule 1.8.

8.9. (1) The Accountant General on receipt of the completed Forms 6 (Pen) and 8 (Pan) shall arrange forthwith for the payment of the appropriate commuted value and for the corresponding reduction of the pension. He shall also forward to the disbursing officer From 8 (Pen) containing the signature and thumbs impressions of Non-Gazetted Government servants, taken in the presence of the medical authority, with introductions that they should be verified with those received with the pension payment order.

(2) If the applicant on receipt of the sanctioning order withdraws
the application within the period prescribed in rule 8.6. he should
intimate his intention in writing to the Accountant General direct
and to the sanctioning authority simultaneously.

(3) The payment of the commuted value shall be made in rupees
in Azad Kashmir as expeditiously as possible, but in the case of
an impaired life no payment shall be made till either a written
acceptance of the commutation has been received or the period
within which the application for the commutation may be
withdrawn has expired whatever the date of actual payment the
amount paid and the effect upon the pension shall be the same if
The commuted value were paid on the date on which
commutation became absolute. If the commuted portion of the
pension has been drawn after the date on which the commutation
became absolute, the amount drawn shall be deducted from the
amount payable in commutation.

8.10. If pensioner part of whose pension has been commuted, dies on
or after the date on which the commutation became absolute but
before receiving the commutation value, this value shall be paid
to his family or eligible relatives in the same manner as gratuity
is payable under rules 4.5. and 4.6.

8.11. The lump sum payable on commutation shall be calculated in
accordance with the table of present values given below:

TABLE FOR CALCULATING THE COMMUTED
VALUE OF PENSIONS

<table>
<thead>
<tr>
<th>Age next birthday</th>
<th>Commutation value expressed as number of years purchase</th>
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### CHAPTER IX
Extraordinary Pension

10.1. (a) The rules of this chapter apply to all pensions in civil employ of the Provincial Government, whether their employment is permanent, temporary or casual and whether remunerated by fixed pay or by piece work rates; provided that in case of a person to whom, the Workman's Compensation Act, 1923, applies:

1. An award shall be paid under the provisions of this chapter only if the authority competent to sanction it considers that the compensation payable under the Act is in the particular case inadequate; and

2. The amount of award paid to any person shall not exceed the difference between the amount otherwise admissible under the rules of this chapter and the amount of compensation payable under the Act.

(b) Pay for the purpose of this chapter means the pay which a person was drawing on the date of his death or injury, provided that in the case of a person remunerated by piece

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<th>Year</th>
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work rates, pay means the average earning of the last six month ending with the date of his death or injury.

10.2. The extraordinary pension may be granted to a Government servant even if he is not invalided from service as a result of the disability on account of which the award is made. The grant of extraordinary pension to a Government servant is no bar to the grant of any ordinary civil pension or gratuity for which he may be eligible under the rules.

10.3. Every grant of extraordinary pension under this Chapter is subject to the provision of rule 1.8.

10.4. In case where considerable delay has occurred in applying for an extraordinary pension, the grant, if any will take effect only from the date of the report by the Medical Board, or, in the case of family pension from such date as the sanctioning authority may decide. Otherwise the grant may be made with effect from the date of wound, injury or death. The family pension granted to a posthumous child should commence from the date of his/her birth.

10.5. No extraordinary pension shall be sanctioned by a competent authority except with the prior concurrence of Finance Department.

10.6. An injury pension to a Government servant, or in case of his death, a family pension may be sanctioned under any of the following conditions on the merits of each case upto half the amount of pay or Rs. 500 per mensem, whichever is less subject to the minimum of Rs. 100 per mensem or the amount of pay whichever is less.

A Government servant, who receives injury (including wound) or is killed:

while performing any particular duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post which he holds.

10.7. For extraordinary family pension, the provision or ordinary family pension shall be applicable to the extent that they are not inconsistent with the rules in this Chapter.

10.8. When a claim for any injury pension or family pension arises,
the Head of the Department Attached Department/Office in which the injured or deceased Government servant was employed, shall forward the claim through the usual channel to the Finance Department with the following documents:

(1) A full statement of circumstance in which the injury was received, the disease was contracted or the death occurred.

(2) The application for injury pension in Form 9 (Pen) or the application for family pension in Form; 10 (Pen).

(3) In the case of an injured Government Servant or one who has contracted disease a medical report in Form 11 (Pen). In the case of a deceased Government Servant, medical report as to the death or reliable evidence as to the actual occurrence of death, if the Government servant lost his life in such circumstances that a medical report cannot be secured.

10.9. In making an award under this Chapter, the competent authority may rake into consideration, the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.

10.10. All awards under this Chapter shall be made in Azad Kashmir in Rupees.
(Restriction on Marriages with Foreign Nationals)
Rules, 1971


In exercise of the powers conferred by Section 10 (3) and
Section 30 of the Azad Jammu and Kashmir Government Act, 1970, the
President is pleased to make the following rules:-

1. **Short title, Commencement and application:-** (1) These rules
may be called the Azad Jammu and Kashmir Government
Servants (Restriction on marriages with foreign nationals) Rules,
1971.

(2) They shall come into force at once.

(3) They shall apply to all Government Servants under the rules
making authority of the Azad Government of the State of Jammu
and Kashmir other than the persons employed on contract basis.

2. **Definitions:-** In these rules unless the context other-wise
requires, the following expressions shall have the meaning
hereby respectively assigned to them that is to say:

(a) 'Foreign national' means a person who is not national of
Azad Jammu and Kashmir or Pakistan;

(b) 'Government Servant' means a Government Servant to whom
these rules apply;

(c) 'Government' means the Azad Government of the State of
Jammu and Kashmir;

(d) 'Marriage' means the matrimonial relationship entered into in
accordance with any law for the time being in force or in
accordance with any religious rites or ceremonies and its
grammatical and cognato expressions shall be construed
accordingly; and

(e) 'Misconduct' shall have the same meanings as assigned to it
in the Kashmir Service Regulations.

3. **Permission on marriages with foreign nationals:-** Save as
provided in rule 4, a Government servant who marries or promises to marry a foreign national shall be guilty of misconduct and shall be liable to be removed from service.

4. **Permission to marry a citizen of India:**
   (1) A Government servant may, with the prior permission of Government marry or promise to marry a person who is a citizen of Indian held Kashmir.

   (2) The grant of permission under sub-rule (1) shall be at the sole discretion of Government and shall be subject to such conditions, if any as may be specified by Government.
THE AZAD JAMMU AND KASHMIR CIVIL DEFENCE RULES, 1962, (AMENDMENT)

NOTIFICATION

No. H&P/A-39 (335)/7085/7145/71 dated 13th December, 1971

In exercise of the powers vested in it under Section 3 of the Azad Jammu and Kashmir Civil Defence Act, 1951, the Azad Government of the State of Jammu and Kashmir is pleased to amend the Azad Jammu and Kashmir Civil Defence Rules, 1962, hereinafter referred as the 'said' Rules as follows: -

1. Amendment of Sub-Rule 3 of Rule 23. In the Civil Defence Rules 1962 in sub-rule (3) of Rule 23 for the words "fifteen days" the words "one month" shall be substituted and after the words "as deem necessary" the following proviso shall be added:-

"Provided the period of detention granted by the District Magistrate shall not exceed two months".

2. Substitution of Sub-Rule (4) of Rule 23. Sub-Rule (4) of Rule 23 of the said Rules shall be substituted by the following words:-

"No person shall unless the Home Secretary by special order otherwise directs be detained in custody for a further period exceeding two months".

________________
THE AZAD KASHMIR FOREST SERVICE
(CLASS I) RULES 1971

PART - I
GENERAL

1. **Short title and commencement:** -
   (i) These rules may be called the Azad Kashmir Forest Service (Class I) Rules, 1971.
   
   (ii) They shall come into force at once.
   
   (iii) Except as otherwise expressly provided in these Rules in case of a conflict between these rules and anything contained in any previous Rules or orders the provisions of these Rules shall prevail.

2. **Definitions:** - In these rules unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:
   
   (a) "appointing authority" means the authority specified in rule 4;
   
   (b) "Commission" means the Azad Jammu and Kashmir Public Service Commission;
   
   (c) "Department" means the Forest Department of the Azad Government of the State of Jammu and Kashmir;
   
   (d) "Government" means the Azad Government of the State of Jammu and Kashmir;
   
   (e) "Initial recruitment" means appointment made otherwise than by promotion or transfer from another service/Department/Post;
   
   (f) "Recognized Institute" means any institute recognized by the Government in consultation with the Commission to be a recognized institute for the purpose of these rules;
   
   (g) "Recognized University" means University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognized University for the purpose of these rules;
(h) "Service" means the Azad Jammu and Kashmir Forest Service (Class I);

(i) "Conservator" means Conservator of Forests.

PART II
RECRUITMENT

3. Constitution and composition of Service:- (i) The service shall consist of all officers holding Class I posts in the Department.

(ii) The cadre of the Service shall consist of all sanctioned (Class I) posts in the Department.

4. Appointing authority:- Appointments to the service shall be made by Government.

5. Method of recruitment:-
   (a) recruitment to the Service shall be made by;

      i) initial recruitment; or

      ii) promotion from the cadre of the Azad Jammu and Kashmir Forest Service (Class I).

   (b) The cadre posts of the Service shall be filled as follows:-

      i) The post of Chief Conservator of Forests shall be filled by selection on merit from among the Conservators.

      ii) Vacancies in the posts of conservators shall be filled by selection on merit with due regard to seniority from among members of the service holding posts of A.C.F. Class I with at least 12 years experience as such; and

      iii) Seventy five percent of the vacancies in the posts of A.C.F; Class I shall be filled by initial recruitment on the recommendation of the Commission, and the remaining vacancies in such posts shall be filled by promotion.

      iv) Vacancies in the posts of A.C.Fs Class I to be filled by promotion shall be filled on merit with particular reference to fitness for higher responsibilities from the
Azad Jammu and Kashmir Forest Service (Class I) with at least five years service as such.

6. **Age:** No person shall be appointed to the service by initial recruitment or by promotion who is below 21 years and above 28 years of age on the 1st January of the year in which the examination is held by the Commission;

Provided that:

i) in the case of a Government servant, the period of his service as such subject to a maximum of three years, for the purpose of upper age limit under this rule, be excluded from this age.

ii) in the case of candidate who is a Graduate in Forestry from the recognized foreign University, age limit shall be thirty one years.

7. **Qualifications:**

(a) No person shall be appointed to a post in the service by initial recruitment unless he;

i) holds a degree in Forestry from a recognised University or Institute; or

ii) holds a degree (not below 2nd Division) in Science or Agriculture from a recognized University and has successfully completed a course of a training at the Government College of Forestry, Peshawar.

(b) No person not already in Government service, shall be appointed to the Service unless he produces a certificate of character from the principal academic officer of the academic institution last attended, and also certificates of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

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**PART III**

**CONDITIONS OF SERVICE**

8. **Probation:**

i) Persons appointed to the service against substantive vacancies shall remain on probation for a period of two
years, if appointed by initial recruitment and for a period, of one year if appointed otherwise;

**Explanation:**
Officiating service and service spent on deputation to a corresponding or higher post may be allowed to count towards the period of probation;

ii) If the work or conduct of a member of the service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services, if he has been appointed by initial recruitment; and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services;

iii) On completion of the period of probation of a member of the service, the appointing authority may, subject to the provisions of sub-rule (iv), confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory:-

a) in case he has been appointed by initial recruitment, dispense with his services; or

b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post dispense with his services; or

c) extend the period of probation by a period not exceeding three years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

**Explanation I**
If no orders have been made by the day following the completion of the initial or extended probationary period, the period of probation shall be deemed to have been concluded subject to provisions of sub-rule (iv)

**Explanation II**
A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment in the service in
a substantive vacancy, provided that where the period of his probation has been extended under the provisions of clause (c) of this sub-rule the date of confirmation shall, subject to the other provisions of this rule be the date on which the period of probation was last extended.

iv) No person shall be confirmed in the service nor shall he be entitled to an increment (not to effect future increments) unless he successfully completes such training and passes such departmental examination as may be prescribed by Government from time to time.

v) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (iv) within such period or in such number of attempts as may be prescribed by Government, the appointing authority may:-

a) In case he has been appointed by initial recruitment, dispense with his services; or

b) In case he has been appointed otherwise revert him to his former post, and if there be no such post, dispense with his service:

9. **Seniority:** The seniority inter se of the members of the service in the various grades thereof shall be determined:

a) In the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Commission PROVIDED THAT in the case of persons appointed after undergoing the course of training at the Government College of Forestry prescribed in Rule (a) (ii), their seniority, shall be determined in accordance with the order of merit obtained at the College;

PROVIDED FURTHER that persons selected in an earlier selection or trained in an earlier session of the College shall rank senior to the persons selected in a later selection or trained in the later session; and

b) In the case of members appointed otherwise, with reference to the dates of their continuous appointment therein; provided that if the date of continuous appointment in respect of two or more officers is the same the older officer,
if not junior to the younger officer or officers the next below grade, shall rank senior to the younger officer or officers.

**Explanation I**

If junior officer in a lower grade is promoted to a higher grade temporarily in the public interest even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in that grade.

**Explanation II**

If junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

**Explanation III**

i) A junior officer appointed to a higher grade shall be deemed to have superseded a senior officer only if both, the Junior and the senior officers were considered for the higher grade and the junior officer was appointed in preference to the senior officer.

ii) The seniority in the various grades of the service of members appointed by initial recruitment *vis-a-vis* those appointed otherwise shall be determined as under:-

   a) in case both the officers appointed by initial recruitment and the officer appointed otherwise have been appointed against substantive vacancies or both have been appointed against temporary vacancies with reference to the date of appointment to, such vacancy in the case of the officer appointed by initial recruitment and to the date of continuous appointment against such vacancy in the case of the officer appointed otherwise;

     Provided that if the two dates are the same, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

     b) in case the officer appointed by initial recruitment has been appointed against a substantive vacancy and the officer appointed otherwise has been appointed against a temporary vacancy, the officer
appointed by initial recruitment shall rank senior to the officer appointed otherwise; and

c) in case the officer appointed otherwise is appointed against a substantive vacancy and the officer appointed by initial recruitment is appointed against temporary vacancy, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

10. **Liability to transfer and serve:** Members of the service shall be liable to:

   a) transfer anywhere in or outside Azad Kashmir; and

   b) serve in any department of Government or any local authority or statutory body set up or established by Government.

11. **General Rule:** In all matters not expressly provided for in these rules, members of the service shall be governed by such rules as have been or may hereafter be framed by Government and made applicable to them.

12. **Relaxation:** Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned;

   Provided that wherever such relaxation involves a question on which Consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

13. **Delegation:** Government may delegate all or any of its powers under rules to any officer subordinate to it.

14. **Powers of Government to safeguard rights of Government servants:** Wherever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of Azad Jammu and Kashmir as guaranteed by any law for the time being in force, are likely to be adversely affected, the Government shall make appropriate orders to safeguard the constitutional and legal rights, of such person.

15. **Appointment of officers, already in government service, to
the service on its initial constitution:-

i) Notwithstanding anything contained in these rules or any other rules for the time being in force, officers holding substantively posts mentioned in rule 3, on the date of coming into force of these rules, shall be deemed to have been appointed under these rules if their appointments have been made in consultation with the commission where ever necessary under the Rules;

Provided that where an officer has not completed his period of probation under previous rules, he shall complete the same under these rules.

ii) Officers appointed to the service under sub-rule (i) shall be given the prescribed training in case they have not received such training and shall pass the prescribed departmental examination in case they have not passed such examination unless specially exempted by the Government in case of officers above forty five years of age due to their advanced age.

Sd/-

Additional Chief Secretary,
Azad Government of the State of J&K,
Muzaffarabad.
PART I
GENERAL

1. **Short title and commencement:-**
   
i) These rules may be called the Azad Kashmir Forest Service (Class II) Rules, 1967.

   ii) They shall come into force at once.

   iii) Except as otherwise expressly provided in these Rules in case of a conflict between these Rules and anything contained in any previous rules or orders the provisions of these Rules shall prevail.

2. **Definitions:-** In these Rules, unless "the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

   (a) "Appointing authority" means the authority specified in rule 4.

   (b) "Chief Conservator" means the Chief Conservator, of Forests.

   (c) "Commission" means the Azad Jammu and Kashmir Public Service Commission.

   (d) "Department" means the Forest Department of the Azad Government of the State of Jammu and Kashmir.


   (f) "Direct recruitment" means appointment made otherwise than by promotion or transfer from another service/Department/Post.

   (g) "Recognized University" means any University incorporated by law in Pakistan or any other University which may be declared by Government in consultation with the Commission to be a Recognized University for the purposes of these Rules.
(h) "Service" means the Azad Jammu and Kashmir Forest Service (Class II).

PART II
RECRUITMENT

3. Composition of Service:- The Service shall comprise the post of A.C.F. Class II and such other posts in the Forest Department as may be determined by Government from time to time.

4. Appointing Authority:- Appointments to the Service shall be made by Government.

5. Method of recruitment:- Recruitment to the Service shall be made as follows:

   (a) One third of the vacancies in the Service shall be filled by direct recruitment on the recommendation of the Commission;

   (b) The remaining vacancies in the Service shall be filled by promotion in consultation with the Commission. The promotion should only be by seniority except when his annual remarks are adverse which render him unfit for promotion.

6. Age:- No person shall be appointed to the service by direct recruitment who is below 21 years and above 28 years of age, on the 1st of January of the year in which the examination is held by the Commission;

   Provided that:
   i) In the case of a Government servant, the period of his service as such subject to a maximum of three years, for the purpose of upper age limit under this rule, be excluded from this age.

   ii) In the case of members of the Azad Jammu and Kashmir Rangers service the upper age limit shall be thirty one years.

7. Qualification.
   i) No person shall be appointed to the service by direct recruitment unless he:

       Holds a degree in Forestry from recognized University, or
has obtained a diploma in the higher standard in the Forest Rangers Course from the Pakistan Forest College, Peshawar, or possesses an equivalent qualification and served as a Forest Ranger in the Department for not less than three years.

ii) No person shall be appointed to the Service by direct recruitment unless he produces a certificate of character from the Principal Academic Officer of the academic institution last attended and also certificates of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

PART III
CONDITIONS OF SERVICE

8. Probation:–
   i) Persons appointed to the service against substantive vacancies shall remain on probation for a period of two years, if appointed by direct recruitment: and for a period of one year if appointed otherwise.

Explanation:
   Officiating service and service spent on deputation to a corresponding or higher post may be allowed to count towards the period of probation:

ii) If the work or conduct of a member of the service during the period of probation has in the opinion of the appointing authority not been satisfactory, the appointing authority, may notwithstanding that the period of probation has not expired, dispense with his services, if he has been appointed by direct recruitment; and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services;

iii) On completion of the period of probation of a member of the service, the appointing authority may, subject to the provision of sub rule (iv) confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory:

   a) in case he has been appointed by initial recruitment, dispense with his services; or
b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post dispense with his services; or

c) extend the period of probation by period not exceeding three years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

**Explanation I:**
If no orders have been made by the day following the completion of the initial or extended probationary period, the period of probation shall be deemed to have been concluded subject to provisions of sub-rule (iv).

**Explanation II:**
A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment in the service in a substantive vacancy; provided that where the period of probation has been extended under the provisions of clause (c) of this sub-rule the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of probation was last extended;

iv) No person shall be confirmed in the service nor shall he be entitled to an increment (not to effect future increments unless he successfully completes such training and passes such departmental examination as may be prescribed by Government from time to time.

v) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (iv) within such period or in such attempts as may be prescribed by Government, the appointing authority:

a) In case he has been appointed by initial recruitment, dispense with his services; and

b) In case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

9. **Seniority:**
i) The seniority inter se of the members of the service in the various grades thereof shall be determined :-

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a) In the case of members appointed by direct recruitment, in accordance with the order of merit, assigned by the Commission provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in the later selection; and

b) In the case of members appointed otherwise, with reference to the dates of their continuous appointment therein; provided that if the date of continuous appointment in respect of two or more officers is the same the older officer, if not junior to the younger officer or officers in the next below grade, shall rank senior to the younger officer or officers.

Explanation I:
If a Junior officer in a lower grade is promoted to a higher grade temporarily in the public interest even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in that grade.

Explanation II:
If a junior in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

Explanation III:
i) A junior Officer appointed to higher grade shall be deemed to have superseded a senior officer only if both, the junior and the senior officers were considered for the higher grade and the Junior officer was appointed in preference to the senior officer.

ii) The seniority in the various grades of the service of members appointed by direct recruitment vis-a-vis those appointed otherwise shall be determined as under :-

a) in case both the officers appointed by initial recruitment and the officer appointed otherwise have been appointed against substantive vacancies or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of the officer appointed by direct recruitment and to the date of continuous
appointment against such vacancy in the case of the officer appointed otherwise:

Provided that if the two dates are the same, the officer appointed otherwise shall rank senior to the officer appointed, by direct recruitment.

b) in case the officer appointed by direct recruitment has been appointed against a substantive vacancy and the officer appointed otherwise has been appointed against a temporary vacancy, the officer appointed by direct recruitment shall rank senior to the officer appointed otherwise; and

c) in case the officer appointed otherwise is appointed against a substantive vacancy and the officer appointed by direct recruitment is appointed against temporary vacancy, the officer appointed otherwise shall rank senior to the officer appointed by direct recruitment.

10. **Liability to transfer and serve:-** Member of the service shall be able:

   a) to transfer anywhere in or outside Azad Kashmir; and

   b) to serve in any department of Government or local authority or other statutory body set up or established by Government.

11. **General rule:-** In all matters not expressly provided for in these rules, members of the service shall be governed by such rules as have been or may hereafter be framed by Government and applicable to them.

12. **Explanation:-** Any of these rules, may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned:

    Provided that wherever such relaxation involves a question on such consultation with the Commission is mandatory the Commission shall be consulted before the relaxation is made.

13. **Delegation:-** Government may delegate all or arty of its powers under these rules, to any officer subordinate to it.
14. **Powers of Government to safeguard rights of Government servants:** Wherever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of Azad Kashmir as guaranteed by any law for the time being in force, are likely to be adversely affected, the Government shall make appropriate orders to safeguard the constitutional and legal rights of such persons.

15. **Appointment of officers, already in Government service to the service on its initial constitution:**

   i) Notwithstanding anything contained in these rules or any other rules for the-time being in force, officers holding substantively posts mentioned in Rule 3, on the date of coming into force of these rules, shall be deemed to have been appointed under these rules if their appointments have been made in consultation with the Commission wherever necessary under the Rules.

   Provided that where an officer has not completed his period of probation under previous rules, he shall complete the same under these rules.

   ii) Officers appointed to the service under sub-rule (i) shall be given the prescribed training in case they have not received such training and shall pass the prescribed departmental examination in case they have not passed such examination unless specially exempted by the Government in case of officers above forty five years of age due to their advanced age.

   Sd/-
   *Additional Chief Secretary.*

   Attested.

   Sd/-
   *Section Officer,
   Establishment and Administration.*


   Sd/-
   *Section Officer*
   (S&GAD).
1. **Short title and commencement:**
   i) These rules may be called the Azad Kashmir Forest Department subordinate Service Rules, 1970.
   
   ii) They shall come into force at once.
   
   iii) Except as otherwise expressly provided in these Rules in case of a conflict between these Rules and anything contained in any previous rules or orders the provisions of these Rules shall prevail.

2. **Definitions:** In these rules, unless the context otherwise requires the following expressions shall, have the meanings hereby respectively assigned to them that is to say:-

   a) "Appendix" means the appendix to these rules.

   b) "Appointing Authority" means the authority specified in Rules.

   c) "Board" means a Board of Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government in consultation with the Commission to be a Board for the purpose of these rules.

   d) "Chief Conservator" means the Chief Conservator of Forests;

   e) "Circle" means the whole of the area under the charge of a Conservator.

   f) "Commission" means the Azad Kashmir Public Service Commission;

   g) "Conservator" means he Conservator of Forests.

   h) "Department" means the Forest Department of Azad Jammu
and Kashmir.

i) "Division" means the whole of the area under the charge of the Divisional Forest Officer.


k) "Initial/Direct Recruitment" means appointment made otherwise than by promotion or transfer from any other service/department post.

l) "Recognized Institute" means any Institute recognized by Government in consultation with the Commission to be a recognized institute for the purpose of these rules.

m) "Recognized University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognized University for the purpose of these rules.

n) "Service" means the Azad Jammu and Kashmir Forest Department Subordinate Service.

PART II - RECRUITMENT

3. Constitution and composition of service.
   i) The service shall comprise the posts of Forest Rangers grade I and grade II, Deputy Rangers, Foresters and Kuth Supervisors and such other posts in the Department as may be determined by Government from time to time.

   ii) There shall be one cadre of Forest Rangers of all categories and Circle-wise Cadre for Kuth Supervisors and Foresters.

4. Appointing Authority.
   Appointment to the service shall be made:
   a) in case of Forest Rangers Grade I by Chief Conservator;

   b) in the case of Forest Rangers Grade II, Deputy Rangers, Kuth Supervisors and Foresters by the Conservator I/C of the Circle where the vacancies occur.

5. Method of recruitment.
   i) Recruitment to the service shall be made by the following
methods:

a) Seventy five percent of the vacancies in the posts of Forest Rangers Grade), Kuth Supervisors and Foresters shall be filled by direct recruitment and the remaining vacancies in such posts shall be filled by promotion; and

b) vacancies in the posts of Forest Rangers Grade II and Deputy Rangers shall be filled by promotion.

ii) Vacancies to be filled by promotion shall be filled in the following manner.

a) ninety percent of such vacancies shall be filled by selection on merit with due regard to seniority from among persons eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of the Appendix; and

b) the remaining ten percent of such vacancies shall be from a merit quota and be filled by selection on merit from among persons eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of the Appendix; who:

1. have an outstanding record;
2. are below thirty two years of age; and
3. possess sound health.

iii) Where a person with the qualifications specified in clause (b) of sub-rule (ii) is not available for appointment to a vacancy referred to in that clause, the vacancy may be filled in the manner provided in clause (a) of sub-rule (ii).

6. Age.
No person shall be appointed to the service by initial recruitment, who is below 18 years and above 25 years of age;

Provided that in the case of a Government servant, the period of his service as such subject to a Maximum of three years, for the purpose of upper age limit under this rule, be excluded from this age.

7. Qualifications.
i) No person shall be appointed to a post in the service by
direct recruitment unless he possess the qualifications prescribed for the post in column 3 of the Appendix;

ii) No person, not already in Government service, shall be appointed to the service unless he produces a certificate of character from the Principal academic officer of the academic institution last at ended and also certificates of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

**PART III - CONDITIONS OF SERVICE**

8. **Probation.**

i) Persons appointed to the service against substantive vacancies shall remain on probation for a period of two years if appointed by direct recruitment; and for a period of one year if appointed otherwise;

**Explanation**

i) Officiating service and service spent on deputation to a corresponding or higher post may be allowed to count towards the period of probation;

ii) If the work or conduct of a member of the service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services, if has been appointed by initial recruitment; and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services;

iii) On completion of the period of probation of a member of the service, the appointing authority may, subject to the Provision of sub-rule (iv), confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory:

a) in case he has been appointed by initial recruitment, dispense with his services, or

b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post dispense with his services, or
c) extend the period of probation by a period not exceeding three years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation.
If no orders have been made by the day following the completion of the initial or extended probationary period, the period of probation shall be deemed to have been concluded subject to provisions of sub-rule (iv).

Explanation II.
A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment in the service in a substantive vacancy; provided that where the period of his probation has been extended under the provisions of clause (c) of this sub-rule the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of probation was last extended.

iv) No person shall be confirmed in the service nor shall he be entitled to an increment (not to effect future increments) unless he successfully completes such training and passes such departmental examination as may be prescribed by Government from time to time.

v) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (iv) within such period or in such number of attempts as may be prescribed by Government, the appointing authority may:

a) In case he has been appointed by initial recruitment dispense with his services; and

b) In case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

ii) The seniority inter se of the members of the service in the various grades thereof shall be determined:
a) in the case of members appointed by direct recruitment, in accordance with the order of merit obtained from, the Government Forest Institute provided that the members trained in an earlier sessions of the Institute shall rank senior to the members trained in a later session.

b) in the case of members appointed otherwise, with reference to the dates of their continuous appointment therein; provided that if the date of continuous appointment in the case of two or more members of the service is the same, the older official, if not junior to the younger official or officials in the next below grade, shall rank senior to the younger official or officials.

Explanation I.
If a junior official in a lower grade is promoted to higher grade temporarily in the public interest even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

Explanation II.
If a junior official in a lower grade is promoted to higher grade by superseding a senior official and subsequently that official is also promoted, the official promoted first shall rank senior to the official promoted subsequently.

Explanation III:
A junior official appointed to a higher grade shall be deemed to have superseded a senior official only if both the junior and the senior officials were considered for the higher grade and the junior official was appointed in preference to the senior official.

ii) The seniority in the various grades of the service of the members appointed by direct recruitment vis-a-vis those appointed otherwise shall be determined:

a) in case both the officials appointed by direct recruitment and the official appointed otherwise have been appointed against substantive vacancies or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of the official appointed by direct recruitment and to the date of continuous appointment against such vacancy in the case of the official appointed otherwise, provided
that if the two dates are the same, the official appointed otherwise
shall rank senior to the official appointed by direct recruitment;

b) in case the official appointed by direct recruitment has been appointed
against a substantive vacancy and the official appointed otherwise
has been appointed against a temporary vacancy, the official,
appointed by direct recruitment shall rank senior to the official
appointed otherwise; and

c) in case the official appointed otherwise is appointed against a
Substantive vacancy and the official appointed by direct recruitment
is appointed against a temporary vacancy, the official appointed
otherwise shall rank senior to he official appointed by direct
recruitment.

10. **Liability to transfer and serve:** Members of the service shall be liable to:

a) Transfer anywhere in or outside Azad Jammu and Kashmir;

b) serve in any department of Government or any local authority or statutory
   body set up or established by Government.

11. **General Rule:** In all matters not expressly provided for in these rules,
    members of the service be governed by such rules as have been or may
    hereafter be framed by Government and made applicable to them.

12. **Relaxation:** Any of these rules may, for reasons to be recorded in writing be
    relaxed in individual cases, if Government is satisfied that strict application of
    the rule would cause undue hardship to the individual concerned;

    Provided that wherever such relaxation involves a question on which
    consultation with the Commission is mandatory, the Commission shall be
    consulted before the relaxation is made.

13. **Delegation:** Government may delegate all or any of its powers under the rules
    to any officer subordinate to it.

14. **Powers of Government to safeguard rights of Government servants:**
    Whenever in the application of these rules, the terms
and conditions of service of any person serving in connection with affairs of Azad Kashmir as guaranteed by any law for the time being in force, are likely to be adversely affected, the Government shall make appropriate orders to safeguard the constitutional and legal rights of such person.

15. **Appointment of officials already in Government service, to the service on its initial constitution:**

   i) Notwithstanding anything contained in these rules or any other rules for the time being in force, officials holding substantively posts mentioned in Rule 3, on the date of coming into force of these rules, shall be deemed to have been appointed under these rules;

   Provided that where an official has not completed his period of probation under previous rules, he shall complete the same under these rules.

   ii) Officials appointed to the service under sub-rule (i) shall be given the prescribed training in case they have not received such training and shall pass the prescribed, departmental examination in case they have not passed such examination unless specially exempted by the Government in case of officials above forty five years of age due to their advanced age.

   Sd/-

   **Additional Chief Secretary,**

   Azad Government of the State of J&K
|--------|---------------------------|------------------------------------------------------------------------|-----------------------|
| 1.     | Forest Ranger Grade I.    | 1) Intermediate from a recognized University or Board with two or more of the following subjects, namely:-  
        |                            | 1. Mathematics  
        |                            | 2. Physics  
        |                            | 3. Chemistry  
        |                            | 4. Botany &  
        |                            | 5. Zoology; and  
        |                            | 2) Diploma in Forestry from a recognized institute. | i) Seventy-five per-cent by direct recruitment.  
        |                            |                                                                      | ii) Twenty-five per-cent by promotion from among the members of the service holding posts of Forest Rangers Grade II. |
| 2.     | Forest Rangers Grade II.  | By promotion from among the members of the service holding posts of Deputy Rangers in the Circles where the vacancies occur. |                                                                   |
| 3.     | Deputy Rangers            | By promotion from among the members of the service holding posts of Forests and Kuth Supervisors in the Circles where the vacancies occur. |                                                                   |
| 4.     | Foresters and Kuth        | i) Matriculation from recognized University or Board; and  
        | Supervisors               | ii) A certificate from a recognized Forest Institute. | i) Seventy-five per-cent by direct recruitment and.  
        |                            |                                                                      | ii) Twenty-five per-cent by promotion from among Forest Guards in the Circle where the vacancies occur. |

Additional Chief Secretary,  
THE AZAD KASHMIR FOREST DEPARTMENT FOREST GUARD (DIVISIONAL) SERVICE RULES, 1970

PART I - GENERAL

1. Short title, Commencement and application.
   i) These rules may be called the Azad Kashmir Forest Department Forest Guard (Divisional) Service Rules, 1970.
   ii) These shall come into force at once.
   iii) Except as otherwise expressly provided in these rules in case of a conflict between these rules and anything contained in any previous rules or orders the provisions of these rules shall prevail.

2. Definition.
   In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-
   a) "Divisional Forest Officer" means the Divisional Forest Officer in charge of a Forest Division.
   c) "Direct recruitment" means appointment made otherwise than by promotion or transfer from another service/Department/post.
   d) "Service" means the Azad Kashmir Forest Department Forest Guards (Divisional) Service.
   e) "Department" means the Forest Department of the Azad Government of the State of Jammu and Kashmir.

PART II - RECRUITMENT

3. Constitution and Composition of the service.
   a) The service shall be constituted on Divisional basis that is, a separate service shall be formed for each Forest Division.
   b) The service shall comprise all the posts of Forest Guards in Forest Division.
4. **Appointing Authority.**
Appointments to the Service shall be made by the Divisional Forest Officer concerned.

5. **Method of recruitment.**
Appointments to the service shall be made by direct recruitment.

6. **Age.**
No person shall be appointed to the service by direct recruitment who is below 18 years and above 25 years of age;

Provided that in the case of a Government servant, the period of his service as such subject to a maximum of three years, for purpose of upper age limit under this rule, be excluded from this age.

7. **Qualification.**
No person shall be appointed to the service unless he:-

   a) has passed the Vernacular Middle or the Anglo-Vernacular Middle Examination or its equivalent examination; and

   b) Possess the following minimum physical measurements:-

      Height minimum 5'-5" (Five feet 5 inches). Chest 32-34 inches.

**PART III - CONDITIONS OF SERVICE**

1. **Probation.**
   i) Persons appointed to the service against substantive vacancies shall remain on probation for a period of two years.

   **Explanation.**
   Officiating service and service spent on deputation to a corresponding or higher post may be, allowed to count towards the period of probation.

   ii) If the work of a member of the service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing authority may, not withstanding that the period of probation has not expired, dispense with his services;
iii) On completion of the period of probation of a member of the service, the appointing authority may subject to the provisions of sub-rule (iv), confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory:-

a) dispense with his services; or

b) extend the period of probation by a period not exceeding three years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation I.
If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been concluded subject to provisions of sub-rule (iv).

Explanation II.
A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment in the service in a substantive vacancy; provided that where the period of his probation has been extended under the provisions of clause (b) of this sub-rule the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of probation was last extended.

iv) No person shall be confirmed in the service nor shall he be entitled to an increment (not to affect future increments) unless he successfully complete such training and passes such departmental examination as may be prescribed by Department from time to time.

v) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (iv) within such period or in such number of attempts as may be prescribed by the Department, the appointing authority may dispense with his services.

The seniority "interse" of the members of the service shall be determined in accordance with the orders of their appointment; provided that if two or more persons are appointed on the same
date or by the same order their "inter se" seniority shall be determined in accordance with their date of birth – the senior in age shall be considered senior in service.

10. **Liability to transfer.**

   Member of the service shall be liable:-

   a) to transfer any where in Azad Kashmir and

   b) serve in any Department of Government or any local authority or other statutory body set up or established by Government.

11. **General Rules.**

   In all matters not expressly provided for in these rules, members of the service shall be governed by such rules as have been or may thereafter be framed by Government and made applicable to them.

12. **Relaxation.**

   Any of these rules may for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned.

13. **Delegation.**

   Government may delegate all or any of its powers under these rules to any officer subordinate to it.

14. **Powers of Government to safeguard rights of Government servants.**

   Wherever in the application of these rules, the terms and conditions of service or any person serving in connection with the affairs of Azad Kashmir as guaranteed by any law for the time being in force, are likely to be adversely affected, the Government shall make appropriate orders to safeguard the constitutional and legal rights of such person.

15. **Appointment of officials already in Government service, to the service on its initial constitution.**

   i) Notwithstanding anything contained in these rules or any other rules for the time being in force, officials holding substantively posts mentioned in Rule, 3 on the date of coming into force of these rules, shall be deemed to have been appointed under these rules.

   Provided that where an officer has not completed his period
of probation under previous rules, he shall complete the same under these rules.

ii) Officials appointed to the service under sub-rule (i) may be given the prescribed training in case they have not received such training and shall pass the prescribed departmental examination in case they have not passed such examination unless specially exempted by the Government in case of officers above forty five years of age due to their advanced age.

Sd/-
Additional Chief Secretary.
THE AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR, LAW AND PARLIAMENTARY AFFAIRS
SECRETARIAT

MUZAFFARABAD
the 14th May, 1972.

No. 1174/SL/72. The following Act of the Legislative Assembly received the assent of the President on the 10th May, 1972, and is hereby published for general information :-

THE AZAD JAMMU AND KASHMIR LAND REFORMS (AMENDMENT) ACT, 1972.

(ACT No. VI OF 1972)

An Act to amend the provisions of Land Reforms Act, 1960

Whereas it is necessary to amend the Azad Jammu and Kashmir Land Reforms Act, 1960, in order to state and clarify the rights of such occupancy tenants who have become owners of the land under the provisions of Land Reforms Act 1960, it is hereby enacted as follows:-

1. This Act may be called the Azad Jammu and Kashmir Land Reforms (Amendment) Act, 1972.

2. It shall come into force at once.

3. After Section 25 of the Azad Jammu and Kashmir Land Reforms Act, 1960, a new Section 25-A, shall be added namely that:-

"25-A. (a) An occupancy tenant who has acquired the proprietary rights under the provisions of Section 25 (hereinafter called the new land owner) shall also be entitled without payment of any compensation to a share in the Shamilat Deh in proportion to the land in respect of which he has acquired such rights;

b) A new land owner who is in possession of Shamilat land to the extent of his share as calculated under clause (a) above shall not be dispossessed therefrom;

c) A person who was a land owner before the enforcement of Land Reforms Act 1960, hereinafter called an old
land owner, and who owns land less than hundred kanals including his share in Shamilat shall be entitled to retain a further share in Shamilat provided that he is in possession and his total holding does not exceed one hundred kanals;

d) An old land owner who owns less than fifty kanals including his share in the Shamilat shall be entitled to a further share in shamilat provided his total holding does not thereby exceed fifty kanals;

e) The word "possession" hereinbefore mentioned, shall mean possession of Shamilat land as recorded in khasra Girdawari pertaining to the harvest of Rabi, 1971.

Explanation:-
Nothing hereinbefore mentioned shall derogate or affect the rights of share in Shamilat of old owners, in proportion to his holding left after the enforcement and implementation of the Land Reforms Act, 1960.
No. 1169/SL/72. The following Act of the Legislative Assembly received the assent of the President on the 10th May, 1972, and is hereby published for general information:

THE AZAD JAMMU AND KASHMIR LAND REFORMS (2nd AMENDMENT) ACT, 1972.

(ACT VII OF 1972)


Whereas it is expedient to amend the Azad Jammu and Kashmir Land Reforms Act, 1960 (V of 1960), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement:**
   - (1) This Act may be called the Azad Jammu and Kashmir Land Reforms (2nd Amendment) Act, 1972.
   - (2) It shall come into force at once and shall be deemed to have taken effect on the 3rd day of August, 1960.

2. **Amendment of Section 25, Act V of 1960:**
   - In the Azad Jammu and Kashmir Land Reforms Act, 1960 (V of 1960), hereinafter referred to as the said Act, in Section 25:
     - (1) In sub-section (2), in clause (c) for the words 'of the commencement of this Act' the words 'on which he is informed by the competent revenue Officer of the amount of compensation as determined under sub-section (6) payable by him' shall be substituted and shall be deemed always to have been so substituted;
     - (2) In sub-section (4), the words 'of one year as' shall be omitted and shall be deemed always to have been omitted;
(3) In sub-section (5), for the words 'of the commencement of this Act' the words 'on which he is informed by the competent Revenue Officer of the amount of compensation as determined under sub-section (6), payable by him' shall be substituted and shall be deemed always to have been so substituted; and

(4) In sub-section (6), for the words 'shall be paid' the words 'shall be determined by the competent revenue officer and shall be paid' shall be substituted and shall be deemed always to have been so substituted.

Validation:- Notwithstanding anything contained in Section 25 of the said Act, any amount of compensation paid by a tenant to the landlord after the expiry of the period specified for the purpose in that section but within the period purporting to have been provided in the land Commission's Notification No. DLR/3/142-46/60 dated the 3rd August, 1960, shall be deemed to have been validly paid in accordance with the provisions of that section and the said Notification shall be deemed to have been validly issued as if the power to issue such Notification were available under that Act; and any order, judgement or decree of any court declaring the said Notification to be void and ultra vires shall be of no effect and shall be deemed never to have been made or passed.
THE AZAD GOVERNMENT OF THE STATE OF JAMMU &
KASHMIR, LAW AND PARLIAMENTARY AFFAIRS
SECRETARIAT
MUZAFFARABAD
the 14th May, 1972.

No. 1173/SL/72. The following Act of the Legislative Assembly of Azad Jammu and Kashmir received the assent of President on the 10th of May, 1972, and is hereby published for general information:--

THE AZAD JAMMU AND KASHMIR MINERAL AND
INDUSTRIAL DEVELOPMENT CORPORATION
(AMENDMENT) ACT, 1972

(ACT VIII OF 1972)


Whereas it is expedient to amend the Azad Jammu and Kashmir Mineral and Industrial Development Corporation Act, XVII 1971, for the matters ancillary thereto,

It is hereby enacted as follows:--

1. Short title and commencement:-- (1) This Act may be called the Azad Jammu and Kashmir Mineral and Industrial Development Corporation (Amendment) Act, 1972.

(2) It shall come into force at once.

2. Addition of sub-section (3-A) to Section 5: In the Azad Jammu and Kashmir Mineral and Industrial Development Corporation Act, 1971 (Act XVII of 1971) hereinafter referred to as the said Act, in Section 5 after sub-section (3) the following new Sub-section (3-A) shall be added, namely:--

"(3-A). (a) One of the Directors shall be nominated by the Government to be the Finance Director;

(b) In the event of difference of opinion between the Chairman Board and the Finance Director the later may be over ruled by the Chairman/Board but all such cases shall be reported by the Chairman in writing to the Government."
3. **Addition of proviso to clause (f) of sub-section (2) of Section 10.** In clause (f) sub-section (2) of Section 10 of the said Act, the following proviso may be added, namely:-

"Provided that in each case the cost of such studies, surveys, feasibility report does not exceed rupees one lac."

4. **Modification of sub-section (4) of Section 10:** Sub-Section (4) of Section 10 of the said Act, may be modified as follows:-

"(4) The Corporation shall submit all individual schemes for sanction to the Government and proceed to give effect to any scheme as approved by the Government."

5. **Addition of new Sub-Section (6) to Section 10:** After Sub-Section (5) of section 10 of the said Act, the following new sub-section (6) shall be added, namely:-

"(6) For the execution of development projects or the establishment industries, the Corporation may, and when the Government so directs, shall, sponsor limited companies independent of each other or subsidiary companies incorporated under the companies Act."

6. **Insertion of Section 20-A after Section 20:** After Section 20 a new Section 20-A shall be inserted in the said Act:-

**Indemnity Provisions:**

"20-A. No suit, prosecution or other legal proceedings provisions shall lie against the Corporation, the Chairman, any Director, Officer, Servant, Expert or Consultant or the Corporation in respect of anything in good faith done or initiated to be done under this Act."

7. **Insertion of a new Section 28-A after Section 28.** After Section 28 a new Section 28-A, shall be inserted in the said Act, namely:-

**Power of the Adviser to the Azad Government of the State of Azad Jammu and Kashmir:**

"28-A. In appointing the Chairman under Section 5, in making rules under Section 27 and in issuing policy directives to the Corporation, Government shall act with the concurrence of the Government of Pakistan."
The following Act of the Legislative Assembly received the assent of the President Azad Jammu and Kashmir, and is hereby published for general information:

(Act XIII of 1972)

An Act to provide for the prohibition of possession of copper wire, aluminium wire or transformers.

Preamble
Whereas it is expedient to provide for the prohibition of possession of copper wire, aluminium wire or transformer.

It is hereby enacted as follows:

1. **Short title, extent and commencement:**
   (i) This Act may be called the Azad Jammu and Kashmir Prohibition of Possession of Copper Wire, Aluminium Wire and Transformer Act, 1972.
   (ii) It shall extend to the whole of Azad Jammu and Kashmir.
   (iii) It shall come into force at once.

2. **Definitions:** In this Act, unless there is anything repugnant in the subject or context:
   (a) 'Aluminium Wire' means any aluminium wire or the specification and gauges used by the Department whether in original form or in any other form;
   (b) 'Copper Wire' means any Copper Wire or the specification and gauges used by the Department whether in original form or in any other form;
   (c) 'Department' means the Electricity Department of the Azad Government of the State of Jammu and Kashmir;
   (d) 'Officer of the Department' means any officer of the
Department not below the rank of Sub-Divisional Officer;

(e) 'Transformer' means any distribution transformer, of any other part thereof, of the specification used by the Department, whether in original form or in any other form.

No person shall receive or remain in possession of the Copper Wire, Aluminium Wire or Transformer or change its original form except with the permission of the Department.

i) Any person who is in possession of the Copper Wire, Aluminium wire or Transformer without the permission of the Department shall, within one month from the date of the issue of this Act, surrender it to any Officer of the Department or declare it to him and apply for permission to remain in the possession.

ii) If the permission applied for under sub-section (i) is refused, the person in possession of the Copper Wire, Aluminium Wire or transformer shall, within 15 days of the refusal of permission surrender the Copper Wire. Aluminium Wire or Transformer, as the case may be, in the manner provided in sub-section (i).

Where the Department is not in existence, the powers vested in Officer of the Department referred to in Section 4 sub-section (i) shall be exercised by the Local Magistrate of the area or the District Magistrate.

(i) Any Officer of the Department or any Police Officer not below the rank of an A.S.I. having reason to believe that an offence under this Act has been or is being committed, may apply to the local Magistrate for permission to enter and search any premises to seize the Copper Wire, Aluminium Wire or Transformer in respect of which offence has been or is being committed, as the case may be.

(ii) Subject to the provision of sub-section (i) if any Officer of the Department requires Police assistance for carrying out the purpose of this Act, he may send requisition to the officer incharge of a Police Station who shall, on such requisition render the necessary assistance.

Penalty.

7. Whoever contravenes any of the provisions of this Act shall, on conviction, be punishable:

(a) in the case of a first conviction, with imprisonment which
may extend to six months, or with fine, or with both; and

(b) in the case of any subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both.

8. Where a person is convicted for an offence under this Act, the Copper Wire, Aluminium Wire or Transformer in respect of which the offence has been committed, shall stand forfeited to the Government.
THE AZAD JAMMU AND KASHMIR ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) ORDINANCE, 1972

(Ordinance I of 1972)

Whereas it is expedient to amend the Pakistan Administration of Evacuee Property Act, 1957 (as in force in Azad Kashmir) in a manner hereinafter appearing; and

Whereas the Legislative Assembly is not in session and the President is satisfied that the circumstances exist and the emergency has arisen which renders immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970, and all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and Commencement:-

(1) This Ordinance may be called the Azad Jammu Kashmir Administration of Evacuee Property (Amendment) Ordinance, 1972.

(2) It shall come into force at once.

2. Amendment of Section 25 (Act XII of 1957):- In Pakistan Administration of Evacuee Property Act, 1957, in section 25 after sub-clause (aa) the following new sub-clause (bb) shall be added:-

"(bb) make payments and incur all liabilities in connection with the prevention of influx of refugees of 1965 and thereafter and matters otherwise threatening the national security."
THE AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR LAW & PARLIAMENTARY AFFAIRS
SECRETARIAT

MUZAPFARABAD
the 14th May, 1972.

No. 1175/SL/72. the following Ordinance approved by the Legislative Assembly of Azad Jammu and Kashmir under Section 24 of the Azad Jammu and Kashmir Government Act, 1970, at its meeting held on the 1st May, 1972, is hereby published for general information: -

THE AZAD JAMMU AND KASHMIR WAR INJURIES ORDINANCE, 1972
(Ordinance II of 1972)

Whereas circumstances have arisen which render it necessary to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities;

And whereas the Legislative Assembly is not in Session and the President is satisfied that circumstances exist and the emergency has arisen which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf, the President Azad Government of the state of Jammu and Kashmir, is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and Commencement:**
   - (1) This Ordinance may be called the Azad Jammu and Kashmir war Injuries Ordinance, 1972.
   
   (2) It shall extend to the whole of Azad Jammu and Kashmir Territory.
   
   (3) It shall come into force at once.

2. **Definitions:**
   - In this Ordinance, unless there is anything repugnant in the subject or context:
   
   (1) ‘Civil Defence Organization’ means any organization established for defence purposes which is declared by a scheme to be a civil defence organization.
for the purposes of this Ordinance and the scheme;

(2) 'Civil Defence Volunteer', in relation to an injury, means a person certified by an Officer of a civil defence organization authorised by the Azad Government of the state of Jammu and Kashmir to grant such certificates, to have been a member of that organization at the time the injury was sustained;

(3) 'Continuance of the present hostilities' means the period beginning with the Proclamation of emergency promulgated by the President and ending with such date as the Government, may by notification in the Official Gazette, declare to be the date on which the Proclamation of Emergency is terminated;

(4) 'scheme' means a scheme made under this Ordinance;

(5) 'war injury' means a physical injury;

(a) caused by:-

(i) the discharge of any missile (including liquids and gas),

or

(ii) the use of any weapon, explosive or other noxious thing;

or

(iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact on any person or property of any enemy aircraft or any aircraft belonging to or held by any person on behalf of or for the benefit of Government or any allied power, or any part of, or anything dropped from, any such aircraft;

(c) caused by any explosion or fire which involves any explosives or munitions or other dangerous things required, storage or transportation of any such explosives, munitions or other dangerous things;

(6) 'War service injury' in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Azad
Government of the State of Jammu and Kashmir or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organization to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of this employment in any other capacity;

Provided that before being so satisfied the Azad Government of the State of Jammu and Kashmir or other authority authorised to make payments under scheme shall have received from the civil defence organization of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organization authorised by the Azad Government of the State of Jammu and Kashmir to make such reports, about the injury in question.

3. (1) The Government may make scheme in accordance with the provisions of this Ordinance providing for the grant of relief in respect of following injuries sustained during the continuance of the present hostilities:-

(a) war service injuries sustained by civil defense volunteers.

(2) The schemes framed under sub-section (i) of this section may authorise the Government or any authority authorised by the Government to make payments in such circumstances and subject to such conditions as may be specified in the schemes to make to or in respect of persons injured.

(a) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (b);

(b) Payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death; and

(c) Payments for the purchase of or the grant at the cost of Government of artificial limbs or surgical or other appliances and payment for medical and surgical treatment.

(3) The schemes may be amended or rescinded at any time by
(4) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under the scheme may be varied from time to time by a subsequent decision of the Government or such authority as the case may be, but save in so far as it is so varied shall be final and conclusive.

4. **Relief from liability to pay compensation or damages:**

(1) In respect of a war injury sustained during the continuance of the present hostilities by any person and in respect of a war service injury sustained during the period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section.

(a) Would be payable under the Workmen's Compensation Act, 1923; or

(b) Would, whether by virtue of any enactment or by venue of any contract or at common law, be payable:

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer, on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) To failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, of:

(a) an application for the payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and
(b) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under a scheme; and

(c) the Government or other authority empowered to make payment under the scheme certifies that the application was rejected or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(d) the proceedings are commenced within one month from the date of the said certificate.

5. **Information as to earnings:**
   
   (1) Where it is necessary in order to determine, the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may by notice in writing require:

   (a) any person who was an employer of the injured person during that period, or

   (b) any other person having any knowledge with respect to the financial circumstances of the injured person during the period,

   to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

   (2) If any person:

   (a) fails to comply with the requirements of any such notice, or

   (b) in purported compliance with any such notice Knowingly or recklessly makes any untrue representation, or produces any document which is false in a material particular or calculated to deceive, he shall be punishable with fine which may extend to three hundred rupees.

6. **Penalty for false statement:**
   
   Any person who, for the purpose
of obtaining a payment or grant under a scheme either for himself or for any other person, Knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

7. **Assignments or charges to be void**: Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void and on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or, other person acting on behalf of the creditors.

(Sardar Mohammad Abdul Qayyum Khan)
President,
Azad Jammu & Kashmir.

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No. 1172/SL/72. The following Ordinance approved by the Legislative Assembly of Azad Jammu and Kashmir under Section 24 of the Azad Jammu and Kashmir Government Act, 1970, at its meeting held on the 1st May, 1972, is hereby published for general information:-

THE AZAD JAMMU AND KASHMIR LOGGING AND SAW MILL CORPORATION (AMENDMENT) ORDINANCE, 1972

(ORDINANCE III OF 1972)

An Ordinance to amend the Azad Kashmir Logging and Saw Mill Corporation Ordinance, 1968 (Ordinance IV of 1968)

Whereas it is expedient to amend the Azad Kashmir Logging and Saw Mill Corporation Ordinance, 1968 (Ordinance IV of 1968) for the purpose hereinafter appearing;

And whereas the legislative Assembly is not in session and the President is satisfied that the circumstances exist and the emergency has arisen which renders immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance;

1. Short title and commencement: (1) This Ordinance may be called the Azad Kashmir Logging and Saw Mill Corporation (Amendment) Ordinance, 1972.

(2) It shall come into force at once.

2. Amendment of Section 2 and Section 6: (1) The word 'Chief wherever it occurs before the word 'Adviser' in the Ordinance, excepting its preamble shall be deleted.

(2) The words 'Senior Secretary' wherever it occurs in the Ordinance shall be substituted by the word 'Chief Secretary'.

(3) In clause (iii) of section 2 the definition of the term Director, shall be revised as follows:-

"Director" means a Director of the Corporation and also includes the Managing Director.

(4) At the end of clause (d) of sub-section (1) of section 6 the word 'and' appearing after the comma shall be omitted.

(5) At the end of clause (e) of sub-section (1) of section 6 the full stop shall be
substituted by a comma and the word 'and' thereafter shall be added.

(6) At the end of sub-section (1) of section 6 the following new clause (f) shall be added, namely:

"(f) the Chairman, Azad Kashmir Mineral and Industrial Development Corporation who shall be designated as Managing Director and shall be the Chief Executive of the Corporation."

3. Amendment of sub-section 4 Section 6. (4) The Managing Director and each Director shall perform such duties and exercise such powers as may be prescribed by Regulations and, until such regulations are framed, as may be assigned by the Chairman.

4. Amendment of sub-section (2) of Section 8 (2). The Chairman and his absence the Managing Director when authorised by him, and three other Directors shall constitute the quorum for the meeting of the Board.
No. 1176/SL/72. The following Ordinance approved by the Legislative Assembly, Azad Jammu and Kashmir under Section 24 of the Azad Jammu and Kashmir Government Act, 1970, at its meeting held on 26th of April, 1972, is hereby published for general information:-

NEGOTIABLE INSTRUMENTS (AMENDMENT) ORDINANCE, 1972
(ORDINANCE IV OF 1972)

An Ordinance to amend the Negotiable Instruments Act, 1881.

Whereas it is expedient to amend the Negotiable Instruments Act, 1881 (XXVI of 1881) (as in force in the Azad Jammu and Kashmir Territory) in the manner hereinafter appearing;

And whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist and the emergency has arisen which renders immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement**:- (1) This Ordinance may be called the Negotiable Instruments (Amendment) Ordinance, 1972.
(2) It shall come into force at once.

2. **Amendment of Section 25 (Act XXVI of 1881)**:- In section 25 of the Negotiable Instruments Act, 1881, for the Explanation, the following Explanation shall be substituted:-

   **Explanation**:- The expression 'Public holiday' includes Fridays and the days declared by the Azad Jammu and Kashmir Government by Notification in the Official Gazette, to be public holidays.

Sd/-
(Sardar Mohammad Abdul Qayyum Khan)
President,
The following Ordinance approved by the Legislative Assembly held on 28th June, 1972, is hereby published for general information:-

**(ORDINANCE V OF 1972)**


Whereas it is expedient to amend the Stamp Act (Act II) 1899 as in force in Azad Jammu and Kashmir, for the purpose hereinafter appearing;

And whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government, Act, 1970 and all powers enabling him in that behalf, the President Azad Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:**-
   (1) This Ordinance may be called the Azad Jammu and Kashmir Stamp (Amendment) Ordinance 1972.

   (2) It shall come into force at once.

2. **Amendment of Heading 30 of Schedule I of the Stamp Act (Act II) 1899.**
   In Heading No. 30 of Schedule I in the second column, for the existing entry against sub-head (a) the following shall be substituted, namely:- "Five hundred rupees."

   Sd/-
   
   Sardar Mdhammad Abdul Qayyum Khan,
   President,
   Azad Jammu & Kashmir, Muzaffarabad
No. 2430/SL/72. The following Ordinance approved by the Legislative Assembly of Azad Jammu and Kashmir under Section 24 of the Azad Jammu and Kashmir Government Act, 1970, at its meeting held on the 27th of June, 1972, is hereby published for general information:

THE AZAD JAMMU AND KASHMIR CONSTITUTION OF FOREST SPECIAL COMMITTEES ORDINANCE, 1972.

(ORDINANCE IX OF 1972)

An Ordinance to provide for the constitution of Special Committees for the protection of forests and disposal of forest damage cases under the Forest Law Manual;

Whereas it is expedient to provide for the constitution of Special Committees for the protection of forests and disposal of forest damage cases under the Forest Law Manual;

And whereas the legislative Assembly is not in session and the President is satisfied that circumstances exist and the emergency has arisen which renders immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf, the President Azad Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title, commencement and extent:**- (1) This Ordinance may be called the Azad Jammu and Kashmir Constitution of Forest Special Committees Ordinance, 1972.

   (2) It shall come into force at once.

   (3) It shall extend to the whole of Azad Jammu and Kashmir Territory.

2. **Definitions:**- In this Ordinance, unless there is anything
repugnant in the subject or context:

(1) 'Appellate Authority' means District Magistrate or any Magistrate nominated by the Government;

(2) 'Chairman' means the Chairman of the Special Committee who shall be the member of Azad Jammu and Kashmir Legislative Assembly elected for the area which falls within the jurisdiction of the Special committee or such other person as may be nominated by the Government;

(3) 'Forest Law' means: -

(i) The Azad Jammu and Kashmir Forest Regulation No. 2 of 1930;

(ii) The Jammu and Kashmir Forest (Sale of Timber) Regulation No. 3 of 1930;

(iii) The Cattle Trespass Regulation No. 8 of 1920;

(iv) The Kuth Regulation No. 1 of 1921; and

(v) Miscellaneous Ailans, Notifications, Rules, Orders and instructions relating thereto.

(4) 'Forest Department' means the Forest Department of Azad Government of the State of Jammu and Kashmir;

(5) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(6) 'Member' means the official and non-official member of the Special Committee;

(7) 'Revenue Department' means the Revenue Department of Azad Government of the State of Jammu and Kashmir;

(8) 'Special Committee' means a committee constituted under this Ordinance.

3. **Special Committee**- (1) Notwithstanding anything contained to the contrary in any law for the time being in force, the Government may constitute, a Special Committee or Committees for the trial and final disposal of cases to which this Ordinance applies.
(2) The Special Committee shall consist of:-

(a) a Chairman;

(b) non-official members not less than three and not exceeding nine in number, as may be appointed by the Government on the recommendation of the concerned Deputy Commissioner in consultation with Conservator of Forests;

(c) a representative of the Revenue Department; and

(d) a representative of the Forest Department.

(3) The Secretary of the Special Committee shall be appointed by the Government.

4. **Jurisdiction of the Special Committee**:- The jurisdiction of every Special Committee, unless otherwise prescribed by the Government, shall extend to the area which, falls within the local limits of a Police station. The Special Committee shall not be competent to take notice of any dispute arising out of a forest Contract or lease.

5. **Trial of cases by Special Committee**:- (1) All cases to which this Ordinance applies shall in future be instituted in the competent Special Committee constituted under this Ordinance:

Provided that cases which have not been withdrawn or dropped under the Forest Law Manual shall, if instituted in the Courts before coming into force of this Ordinance, be transferred to the Special Committee.

(2) When the Chairman is of the opinion that case should be tried by an ordinary Court on the ground that in case of conviction, punishment of imprisonment would be appropriate or the transfer of the case is necessary for any other reason, he may forward the case to the Court of a Magistrate competent to try the same under the law:

(a) The Special Committee shall be competent to direct an accused to pay compensation for the damage done to the Forest which shall be assessed as follows: -
(i) In case of illicit cutting of trees by the concessionists, the price shall be charged at full 'Zamindari' rates in addition to charging compensation equal to 'the price as calculated at the rate prevalent at the time of disposal of the case.

(ii) In case of non-concessionists, the price of illicitly cut trees shall be charged at commercial rates prevalent at the time of disposal of the case in addition to charging compensation equal to the price so calculated.

(iii) In case of illicit lopping of trees the price of the lopped tree or trees at 'Zamindari' rates prevalent at the time of disposal of the case shall be assessed as compensation.

(iv) In case of damage other, than illicit cutting and lopping of trees in forest closures, the compensation shall extend to one hundred rupees but shall not be less than twenty five rupees.

(v) Where forest land has been cleared for purposes of encroachment the compensation shall be assessed upto five hundred rupees subject to a minimum of rupees twenty five per kanal in addition to the price of trees cut, lopped or girdled in the area at twice the 'Zamindari' rates prevalent at the time of disposal of the case.

(vi) Where trees are cut from revenue assessed or evacuee land by an owner allottee without the permission of the competent authority, or where the trees are cut for the purpose of sale, gift or transfer and not for his own bonafide personal use, the amount of compensation shall be assessed at the price of the trees at commercial rates prevalent at the time of disposal of the case.

(vii) In other case under Forest Law Manual the amount of compensation to be awarded in each case may extend to one thousand rupees, but shall not be less than one hundred rupees, in addition to the price of the Forest Produce at market rates to be fixed by the Special Committee.

(b) The amount of price and compensation awarded by the Special Committee shall be recoverable as arrears of land revenue through the Collector.
(c) Where a person has been found by the Special Committee to have encroached upon or been in unlawful possession of Government or forest land, he shall be liable to be ejected through the Collector of the District even if he has been acquitted by the Special Committee or by the ordinary Court.

6. **Procedure:-** Notwithstanding anything contained to the contrary in any other law;

(1) All cases to which this Ordinance applies, shall be tried summarily according to the procedure laid down in the code of Criminal Procedure in force in Azad Jammu and Kashmir for summary trials;

(2) The Chairman shall exercise the Powers of a Magistrate, Class First for the purposes of summoning of accused person or persons and witnesses and for compelling their attendance by issuing warrants of arrest.

(3) Where an accused person absents himself from the Special Committee, the trial shall proceed against him in his absence.

(4) A Legal Practitioner may appear before a Special Committee to conduct the case on behalf of a party.

(5) The decision of the Special Committee shall be according to the opinion of the majority of the members of the Committee hearing the case when the members are so divided that majority cannot be ascertained, the Chairman shall have a casting vote and decision shall follow accordingly.

(6) Subject to the provision of appeal under Section 9 of the Ordinance, decision of the Special Committee shall be final and shall not be called in question in any court or by way of a Civil suit.

(7) The decision of the special Committee shall be in writing and shall be signed by Chairman and the members of the Special Committee who heard the case.

(8) The record of the proceedings of the case and of statements recorded shall be maintained properly.

(9) The judgment shall specify the allegation of: the prosecution the plea of the accused, the points for determination, the
evidence in support and the evidence in support of the points and the decision thereon.

(10) Any member of the Special Committee may record a dissenting judgment.

7. Meeting:-(1) The meeting of the Special Committees shall be convened by the Chairman from time to time. The Special Committee shall meet at least once in a month.

(2) The quorum for a meeting of the Special Committee shall be 51 percent of the members of the Committee including official members.

(3) A Member who absents from any meeting of the Committee without valid reason to the satisfaction of the Chairman shall cease to be a member of the Committee.

8. Appeal:-(1) An appeal shall lie against the decision of the Special Committee to the District Magistrate or to any other Magistrate specially empowered by the Government within 30 days.

(2) The Appellate Authority may confirm, modify or set aside a decision of the Special Committee or remand the case.

(3) The decision of the Appellate Authority shall be final: and shall not be called in question in any Court by way of appeal or revision or by way of a civil suit.

9. Other functions and powers of the Special Committee:-(1) Subject to the general control and instructions of the Chief Conservator of Forests, the function of allotting timber to concessionists every year during the usual periods, shall be performed by the Special Committee within its local jurisdiction.

(2) The Special Committee shall be competent to accord sanction to the cutting of trees from revenue assessed land to owners of such land and to allottees of evacuee land, and the Special Committee shall grant trees from revenue assessed and allotted evacuee land strictly for self utilization purposes.

(3) The grant of the establishment of timber and fire wood depots on behalf of the public shall be given on the
recommendation of the Special Committee.

(4) Where it is proposed to effect closures in a forest, the Forest authorities shall obtain the views of the Special Committee before final action is taken. If views of the Committee are not made available within 60 days, the Forest Department will proceed to close the forest.

10. **Collective compensation:** In case of damage to a forest where a culprit or culprits cannot be specified, the Special Committee may, after such local enquiry as may be necessary, impose a collective compensation for the loss so caused and direct the same to be paid by such persons residing in the locality, as may be specified by the Special Committee.

11. The Government may, by order, direct that a percentage of compensation recovered under the provision of this Ordinance may be utilized for the administration of this Ordinance and for the development of any particular area in the locality where such recovery is made.

12. The Government, may from time to time, make rules for implementation of this Ordinance.

   Sd/-
   Sardar Mohammad Abdul Qayyum Khan,
   President,
The following Ordinance approved by the Legislative Assembly held on 19th December, 1972, is hereby published for general information:-

**THE AZAD JAMMU AND KASHMIR CENSUS (AMENDMENT) ORDINANCE 1972**

**(ORDINANCE X OF 1972)**


Whereas it is expedient to amend the Azad Jammu and Kashmir Census Act, 1959 (VII of 1959) for the purpose hereinafter appearing;

And whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render Immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.**— (1) This Ordinance may be called the Azad Jammu and Kashmir Census (Amendment) Ordinance, 1972.

   (2) It shall come into force at once.

2. **Amendment of section 12, the Azad Jammu and Kashmir Census Act, 1959 (VII of 1959):**— In the Azad Jammu and Kashmir Census Act, 1959 (VII of 1959) in section 12, for the words "fine which may extend to two hundred rupees," the words and commas "rigorous imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both," shall be substituted—

   Sd/-
   Sardar Mohammad Abdul Qayyum Khan,

471
The following Ordinance approved by the Legislative Assembly of Azad Jammu and Kashmir under Section 24 of the Azad Jammu and Kashmir Government Act, 1970 at its meeting held on the 20th December, 1972, is hereby published for general information:

(ORDINANCE XI OF 1972)

An Ordinance to amend the Pakistan (Administration of Evacuee property) Act, 1957.

Whereas it is expedient to amend the Pakistan Administration of Evacuee Property Act 1957, in manner hereinafter appearing;

And whereas an emergency has arisen which renders it necessary to immediately amend the Pakistan Administration of Evacuee Property Act, 1957;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act 1970 and all powers enabling him in that behalf, the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:**
   (1) This Ordinance may be called the Azad Jammu and Kashmir Administration of Evacuee Property Act (Amendment) Ordinance, 1972.

   (2) It shall come into force at once.

2. **Amendment of Section 25, Act XII of 1957:**
   In the Pakistan (Administration of Evacuee Property) Act, 1957, in Section 25 after clause (Z) of sub-section (2) the following clause (aa) shall be added, namely:-

   "(aa) make payments, out of moneys held by him, for Rehabilitation of the displaced persons."

   Sd/-
   Sardar Mohammad Abdul Qayyum Khan,
No. 131/SL/73. The following Ordinance approved by the Legislative Assembly, Azad Government of the State of Jammu and Kashmir under Section 24 of the Azad Jammu and Kashmir Government Act, 1970 at its meeting held on the 20th December, 1972, is hereby published for general information:-

THE AZAD JAMMU AND KASHMIR FINANCE ACT (AMENDMENT) ORDINANCE, 1972

(ORDINANCE XII OF 1972)

An Ordinance to amend the Azad Jammu and Kashmir Finance Act, 1971;

Whereas it is expedient to provide legislation for the levy of education cess on the amount of income tax, Import licences, Registration of Property, Vehicular Transport, Passports, Arms licences, Cinema tickets and Medical Certificates for the Purposes of meeting expenditure on expansion, improvement and administration of educational institutions;

And whereas the Legislative Assembly is not in session and the President is satisfied that emergency exists which renders immediate legislation necessary;

Now, therefore, in exercise of the powers conferred under Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Finance Act (Amendment) Ordinance, 1972.

   (2) It shall come into force at once.

2. **Amendment of Section 2 of Azad Jammu and Kashmir Finance Act, 1971:**- In Section 2 (a) (i) of the said Act, the
figures '25' after, the word 'paisas' shall be substituted by the figures '50'.

3. **Addition of new Sections 2-A, 2-B, 2-C, 2-D, 2-E, 2-F, 2-G, 2-H, and 2-I:**
The following new sections shall be inserted after section 2 of the Azad Jammu and Kashmir Finance Act, 1971:-

"2-A. **Cess on Income Tax:** There shall be levied education cess on the following items at the rates specified below:-

(1) 5% on the amount of income tax assessed to be paid by the assessee;

(2) 5 rupees per T.R. No. on Import licences.

2-B. In respect of transfer and registration of property, the education cess shall be levied at the rates given below:

(1) When the amount or value of the Property does not exceed Rs. 10,000/- ... Rs. 20.00;

(2) When the value of the property exceeds Rs. 10,000/- and does not exceed Rs. 50,000/-:

(a) on Rs. 10,000/- ... As above;

(b) On the remainder at the rate of 3 rupees per thousand;

(3) When the value of the Property exceeds Rs. 50,000/-:

(a) on Rs. 50,000/- ... Rs. 140/-

(b) on the remainder at the rate of 4 rupees per thousand.

2-C. In case of vehicular transport, the education cess shall be levied at the rates given below:

(1) In case of private car ... One rupee-per quarter;

(2) In case of light vehicle ... Two rupees per quarter;

(3) In case of heavy vehicle ... Five rupees per quarter;

(4) On registration of vehicles ... Five rupees per vehicle.
2-D. **Passport:** There shall be levied Rs. 25/- as education cess per Passport.

2-E. **Arms:** The education cess on Arms Licences, shall be charged at the rates specified below:-

1. In case of all arms excluding pistol, revolver and muzzle loading at the rate of Rs. 5/- per licence;
2. In case of revolver and pistol Rs. 10/- per licence.

2-F. **Cinema tickets:** In case of cinema tickets rates of education cess payable shall be as under: -

1. First Class and gallery 25 paisas per ticket;
2. Second Class. 10 paisas per ticket;
3. Third Class. 5 paisas per ticket;

2-G. In case of Medical certificates issued by Medical Officers in connection with the journeys abroad, there shall be charged education cess at the rate of Rs. 10/- per certificate.

2-H. In case of Government employees, the education cess shall be levied as under: -

1. All Class I Government Officers. 1 rupee per centum of their salary;
2. All other Government servants except Class IV employees. ½ rupee per centum of their salary;
3. All other persons drawing salary or honorarium from the Government exchequer 1 rupee per centum of their salary or honorarium.

2-I. All employees of autonomous and semi-Government bodies in Azad Kashmir.

The same as in section 2-H above.

Sd/-

Sardar Mohammad Abdul Qayyum Khan,
THE AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR HOME DEPARTMENT MUZAFFARABAD

Government Order No. H&P/B-9(3)/2338-78/72 Dated 10.4.72.

In supersession of Government Order No. 316/60 dated 8/6/1960 and Government Order No. 111/62 dated 15/2/1967 and all other orders on the subject, the Azad Government of the State of Jammu and Kashmir is pleased to sanction Revised Rules forming Annexure to this order for grant of advances (interest bearing) to Government Officers/Officials for purchase of Motor Cars, Motor Cycles, Motor Scooters and Auto Cycles.

Sd/-
(Raja Abdul Khaliq Khan)
TQA.
Addl: Chief Secretary.

ANNEXURE 'A' TO GOVERNMENT ORDER No. H&P/B-9(3)/2338-78/72 Dated 10-4-1972

ANNEXURE 'A'

RULE GOVERNING ADVANCES (LOAN) FOR PURCHASE OF MOTOR CAR/MOTOR SCOOTER/MOTOR CYCLE/AUTO CYCLE

1. Advance may be sanctioned to a Government Officer/Official for the purchase of a Motor Car/Motor Cycle/Motor Scooter/Auto Cycle subject to the following conditions:-

   i) An advance will be given only when the Government considers that it is in the interest of public service that the Government Officer/Official should use a Motor Car/Motor Cycle/ Motor Scooter/Auto Cycle in the discharge of his duties. Advance can only be granted to such Government Officers/Officials as are compelled in the course of their official duties to do much touring or to make frequent journeys at short notice, or where the savings of time is of real importance, provided further that their pay is not less than Rs. 750/- p.m. in case of Car advance and exceeds Rs. 300/- p.m. but does not exceed Rs. 1250/- p.m. in case of Motor cycle/ Motor, Scooter/Auto Cycle.

   ii) The total amount to be advanced to a Government Officer/
Official for Car advance shall not exceed Rs. 12000/- (Rupees twelve thousand) or one year's pay or anticipated price of the Car whichever is less. The total amount to be advanced to a Government Officer/Official for Motor Cycle/Motor Scooter/Auto-Cycle shall not exceed Rs. 3000/- (Rupees three thousand) or one year's pay or the anticipated price of Motor Cycle/Motor Scooter/Auto Cycle whichever is less. If the actual price paid is less than the advance taken, the balance should be forthwith refunded to the Government.

2. The application for Car advance will be submitted to the A.G. by the Heads of Departments through the Chief Secretary, whereas an application for Motor Cycle/Motor Scooter/Auto Cycle advance will be sent to the A.G. for verification of funds by the Head of Departments direct. The power to sanction the Car advance will vest in the Chief Secretary whereas the power to sanction the Motor Cycle/Motor Scooter/Auto Cycle advance will vest in the Heads of Departments.

3. Advance should if possible be applied for before the purchase is made, and the application for an advance should contain a certificate that the Government Officer/Official is unable to make the purchase without one. Except in the case provided for in Rule 3 possession of a Car/Motor Cycle/Motor Scooter/Auto Cycle should not be taken by the Government servant concerned until after he has received an intimation that an advance has been sanctioned. Where a Government Officer/Official has purchased or taken possession of a Car/Motor Cycle/Motor Scooter/Auto Cycle before he has received such intimation, the sanction of the advance will cease to be operative and money drawn must be forthwith refunded to Government, or fresh sanction accorded with the consent of the Finance Department, which will agree to such fresh sanction only when the circumstances are unusual.

Applications for the grant of advance in respect of Car/Motor Cycle/Motor Scooter/Auto Cycle which has already been purchased or taken possession of by a Government Officer/Official, irrespective of fact whether the price has been paid or not, should not ordinarily be sanctioned. Where, however, special circumstances exist for making a departure, from the rules, this should be referred to Finance Department within 3 months of the purchase of the Car/Motor Cycle/ Motor Scooter/Auto Cycle failing which the application will not be elucidated.

4. A Government Officer/Official who is on leave or about to
proceed on leave for whom an advance has been approved by the Government will not be allowed to draw the advance earlier than a week before the expiry of leave.

5. Recovery of advance will commence with the first issue of pay after the advance is drawn. It will be effected by the deduction of monthly installments, equal to one sixtieth part of the total advance (i.e. in total 60 installments) in case of Car advance) and forty eighth part of the total advance (i.e. in total 48 installments in case of Motor Cycle/Motor Scooter/Auto Cycle advance) from the pay bills of the Government servant concerned, or by cash payment by him when for any months no pay is due to him e.g. leave without pay. The authority sanctioning an advance may however, permit recovery to be made in a smaller number of installments, if the Government Officer/Official receiving the advance so desires. In case of Officer/Officials whose retirement from service is due in less than 5 years in case of Car Advance and less than 4 years in case of Motor Cycle/Motor Scooter/Auto Cycle advance, the amount of installments should be so raised as to ensure recovery of the full advance before date of retirement. The amount of interest (which will be calculated in the manner and at the rate in force in Pakistan) will be recovered in one or more installments, each such installment being; not appreciably greater than the installments by which the principal was recovered. The recovery of interest will commence from the month following that in which the whole of the principal has been repaid.

NOTE:- The amount of the advance to be recovered monthly should be fixed in whole rupees except in the case of the last installment when the remaining balance including any fraction of a rupee should be recovered.

6. Except when a Government Officer/Official proceeds on leave, other than leave on average pay (or P.L.) not exceeding four months or retires from the service, or is transferred to an appointment the duties of which do not render the possession of a motor Car/motor Cycle/Motor Scooter/Auto Cycle necessary, the previous sanction of Government in necessary to the sale by him of the car/Motor Cycle/ Motor Scooter/Auto Cycle purchased with the aid of an advance which, with interest accrued, has not been fully repaid. If a Government Officer/Official wishes to transfer such car/motor Cycle/motor scooter/auto cycle to another Government Officer/ Official who performs the duties of a kind that renders the possession of a
motor car/motor cycle/motor scooter/auto cycle necessary, the Government may permit the transfer of the liability attaching to the car/motor cycle/motor scooter/auto cycle to the latter Government Officer/official, provided that he records a declaration that he is aware that the car/motor cycle/motor scooter/auto cycle transferred to him remains subject to the mortgage bond and that he is bound by its terms and provisions.

7. In all cases in which a car/motor cycle/motor scooter/auto cycle is sold before the advance received for its purchase from Government with interest has been fully repaid, the sale proceeds must be applied so far as may be necessary, towards the repayment of such outstanding balance, provided that when the car/motor cycle/motor scooter/auto cycle is sold only in order that another car/motor cycle/motor scooter/auto cycle may be purchased, the sanctioning authority may permit a Government Officer/official to apply the sale proceeds towards such purchase subject to the following conditions:

(a) The sale price will be set off against the cost of the new car and the second advance, it any reduced accordingly.

(b) The amount outstanding shall not be permitted to exceed the cost of the new car/motor cycle/motor scooter/auto cycle.

(c) The amount outstanding shall continue to be repaid at rate previously fixed.

(d) The new car/motor cycle/motor scooter/auto cycle must be insured as mortgaged to Government as required by these rules.

when the Government officer/official is at the summer headquarters of Government, if any.

such insurance should be effected within one month from the date of purchase of the car/motor cycle/motor scooter/auto cycle. On receipt of the certificate prescribed in para II, the A.G. will obtain from the Government Officer/official drawing the advance a letter in form 23 (Annexure-E) to the Motor Insurance Company with whom the motor car/motor cycle/motor scooter/auto cycle is insured to notify to them the fact that the Government is interested to notify to them policy secured. He will himself forward this letter to the Company and obtain their acknowledgement. In the case of insurance effected on annual
basis the process prescribed above shall be repeated every year until the advance has been fully repaid to Government. As soon as the insurance has been effected the policy or renewal note, as the case may be, should be submitted to the A.G. for scrutiny.

ii) Contravention of these orders (evidence in respect of compliance wherewith should be promptly furnished to the A.G.) will render the Government Officer/official liable to refund the whole of the amount advanced with interest accrued, unless good reason is shown to the contrary. The amount for which the car/motor cycle/motor scooter/auto cycle is insured during any period should not be less than the outstanding balance of the advance with interest accrued, at the beginning of that period and the insurance should be renewed from time to time until the amount due is completely repaid. If, at any time and for any reason the amount insured under a current policy is less than the outstanding balance of the advance, including interest already accrued, the Government officer/official will be required by the A.G. to refund the difference to Government. The amount to be refunded must be recovered in not more than three monthly installments.

14. As the "gross" amount of advances granted under rules does not exceed the amount provided in the sanctioned budget so the authority empowered to deal with an application shall not issue an order of sanction until the A.G. has certified that funds are available in the year in which payment of the advance will be made.

To avoid inconvenience and lapse of funds it is important that sanctioning authorities should not send applications to the A.G. for report as to funds being available unless they are satisfied that the amount applied for, if made available, will be drawn before the end of the financial year. Similarly, when a sanctioning authority comes to know that any advance in regard to which A.G. has reported that funds are available will not be sanctioned or will not be drawn from the treasury within the financial year, the A.G. should always be informed so that the funds earmarked for the purpose may be devoted to other applications.

15. When sanctioning an advance, the sanctioning authority shall carefully observe the instructions given in this rule and shall always draw the attention of the Government officer/official concerned to these instructions.
16. While forwarding the application by the officer/official for car/motor cycle/motor scooter/auto cycle advances, the sanctioning authority should furnish the following certificates to the audit officer:-

(a) If an officer/official applies for the advance for the purchase of new car/motor cycle/Motor scooter/auto cycle from the market, he should produce evidence showing that the car/motor cycle/motor cycle motor scooter/auto cycle dealer will supply him a car/motorcycle/motor scooter/auto cycle within the specific period, which should not be more than 2 months from the date the funds are earmarked by the audit office.

(b) If an officer/official intends to purchase a second hand car/motor cycle/Motor scooter/auto cycle, he should submit an evidence to the effect that the seller of the car/motor cycle/motor scooter/auto cycle is prepared to dispose of his car/motor cycle/motor scooter/auto cycle No.......................... Make..............................to the officer/official concerned within a month from the date the funds are earmarked by the audit office.
To:-

The Accountant General,
Azad Government of the State of Jammu and Kashmir,
Muzaffarabad.


Sir,

I am directed to convey the approval of the Azad Government of the State of Jammu and Kashmir to the following basic procedure being observed for the collection and accounting of subscriptions to and premia for the Azad Jammu and Kashmir Employees Benevolent Fund and Insurance Fund:-

(i) In the case of Gazetted Officers the deductions towards Benevolent Fund and Insurance Fund shall be made by the officers themselves from their pay bills. A schedule in Annexure 'A' showing the deductions made shall be prepared in triplicate. Two copies of the schedule shall be attached to the pay bill and the third copy shall be retained by the administrative Department for office copy of the pay bill.

(ii) In the case of Non-Gazetted Establishment the D.D.O. shall make deduction from the Establishment pay bills in respect of Benevolent Fund only. A schedule as prescribed in Annexure II shall be prepared in triplicate, two copies of the schedule shall be submitted with the Establishment pay bill and the third copy shall be retained for the office copy of the bill.

(iii) No deduction on account of premia of Employees Insurance fund shall be made from the salaries of the non-gazetted Establishment because it has been decided that insurance premia on behalf of all Non-Gazetted employees shall be
paid by the Government itself to the Board of Trustees of the Insurance Fund. However, the amount which is to be subscribed by the Government on that account shall be worked out according to the prescribed rates and shown in the relevant columns of the schedule specified in annexure II.

(iv) Treasury Officer and other officers who are required to submit monthly accounts to the Accountant General, Azad Kashmir will pass on the second copy of the certified schedules to the Accountant General.

(v) After receipt of the monthly accounts from the Treasuries together with the certified copies of the schedules the Accountant General shall credit the deductions on account of Benevolent Fund and Insurance Fund in respect of Gazetted employees and on account of Benevolent Fund in respect of Non-Gazetted employees in the deposit heads indicated below:

**Benevolent Fund.**

Credit Minor head-Employees Benevolent Fund, Major Head p-Deposit and Advances Part-II Deposits not bearing interests-Other Deposit Accounts.

**Insurance Fund.**

Credit Minor head Employees Insurance Fund, Major Head p-Deposit and Advances Part-II Deposits not bearing interests-Other Deposit Account.

The Accountant General shall also furnish a consolidated statement of receipt in respect of each fund to the Board of Trustees.

(vi) The Accountant General will authorise National Bank of Pakistan every month to pay to the Bankers of the Board, the amounts recovered and accounted for by them by debiting the same to the respective Deposit Heads mentioned in sub-para above in the Government Account. This means that the above mentioned Deposit Account will be cleared at regular monthly intervals so that the balance in these Deposits Accounts at the close of the Financial year are Nil.

(vii) For claiming payment of the Azad Kashmir Government's contribution to the Insurance Fund in respect of Non-
Gazetted employees, the Board of Trustees of the fund will prepare from the information received by them from the Accountant General, a bill for the amount due and submit it to him for getting payment. The bills on payment shall be debited to the Detailed Head ‘Contribution to the Employees Insurance Fund’ in respect of Non-Gazetted employees under the Head 57-Miscellaneous-Miscellaneous and unforeseen charges. The above grant henceforth will be controlled by the Services and General Administration Department.

Your obedient servant,

Sd/-

(Abdul Karim)
Section Officer (Finance).
Annexure I

FORM

(For Gazetted Employees)

SCHEDULE OF EMPLOYEES BENEVOLENT FUND AND INSURANCE FUND DEDUCTION/SUBSCRIPTION

Office of the………………………………………………………………………………

Schedule of deductions for the months of……………………………………. .

<table>
<thead>
<tr>
<th>Name &amp; designation of employee</th>
<th>Pay</th>
<th>Employees Benevolent Fund</th>
<th>Employees Insurance Fund</th>
<th>Reasons for variation</th>
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<td></td>
<td>Rs.</td>
<td>Amount released</td>
<td>Amount from previous month, if any (-) or (+)</td>
<td>Amount released</td>
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</table>

Signature……………………

Date………………….. Designation……………………

FOR USE IN TREASURY/ACCOUNTS OFFICE

Certified that the deductions shown in the above schedule in respect of Benevolent Fund and Insurance Fund tally with the amounts so included in the Pay Bill of the employee.

Treasury Officer/Disbursing Officer

Date………………….. Accountant General.

485
(For Non-Gazetted Employees)

SCHEDULE OF EMPLOYEES BENEVOLENT FUND AND INSURANCE FUND DEDUCTION/SUBSCRIPTION

Office of the……………………………………………………………………………

Schedule of deductions/subscription for the month of………19………

| Name & designation of employee | Pay Rs. | Employees Benevolent Fund | | | Employees Insurance Fund | | |
|-------------------------------|--------|---------------------------|---|---|---------------------------|---|
|                               |        | Amount released           | Var. from previous month, if any (-) or (+) | Reasons for variation |
| 1                             | 2      | 3                         | 4             | 5   | 6                         | 7 |

Signature……………………

Date……………… Designation………………

486
Certified that the deductions shown in the above schedule in respect of Benevolent Fund and Insurance Fund tally with the amounts so included in the Pay Bill of the employee.

Treasury Officer/Disbursing Officer

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR, SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

**NOTIFICATION**

No. S&GAD/6444-6514/CS/72 Dated 13.4.1972

In exercise of the powers conferred by Section 30 of the Azad Government of the State of Jammu and Kashmir Act, 1970 the President Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:--

**THE AZAD KASHMIR GOVERNMENT SERVANTS (CONDUCT) RULES 1972**

   
   (2) They shall come into force at once.

2. **Extent of application:**- These rules apply to all persons, whether on duty or on leave, within or without Azad Kashmir serving in connection with the affairs of Azad Kashmir, including the employees of the Azad Government deputed to serve under the Central Government or with a Statutory Corporation or with a non-Government employer, but excluding:

   (a) members of an All-Pakistan Service or a provincial Service of any province of Pakistan Serving in connection with the affairs of Azad Jammu and Kashmir;

   (b) employees of the Central or a provincial Government of Pakistan or other authority deputed temporarily to serve under the Azad Government of the State of Jammu and Kashmir;

   (c) holders of such posts in connection with the affairs of Azad Kashmir, as the Azad Kashmir Government may, by a notification in the official Gazette, specify in this behalf.

3. **Definition:**- (1) In these rules, unless there is anything repugnant in the subject
or context:


(b) “Government Servant” means a person to whom these rules apply, and

(c) member of a Government servant’s family includes:

   (i) his wife, children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government servant; and

   (ii) any other relative of the Government servant or his wife, when residing with and wholly dependent upon him;

but does not include a wife legally separated from the Government servant, or a child or step-child or step-child who is no longer in any way dependent upon him, or of whose custody the Government servant has been deprived by law; and

(2) Reference to a wife in clause (c) of sub-rule (1) shall be construed as reference to the husband where the Government servant is a woman.

4. The following rules in so far as they applied to the persons to whom these rules apply are hereby replaced but such repeal shall not affect anything done or suffered under those rules;

   Government servant Conduct Rules sanctioned under Council Order No. 91-C of 1945 dated 30th January, 1945 as contained in K.S.R. Vol. II.

5. **Gifts:**

   (1) Save as otherwise provided in this rule no Government servant shall, except with the previous sanction of Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to Government for decision as to its disposal.

   (2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the
donor the decision of Government thereon shall be final.
(3) If any gift, if offered by the head or representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence, if, however, he cannot do so he shall accept the gift and shall report its receipt to Government for orders as to its disposal.

6. **Acceptance of foreign awards:**- No Government servant shall except without the approval of the President accept a foreign award, title or decoration.

   **Explanation.-** For the purposes of this rule, the expression "approval of the President" means for prior approval in ordinary cases and ex-post facto approval in special cases where sufficient time is not available for obtaining prior-approval.

7. **Public demonstration in honour of Government servants:**- No Government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him.

8. **Gift to medical officers:**- Subject to the departmental rules in this behalf, a medical officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.

9. **Subscriptions:**- No Government servant shall, except with the previous sanction of Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

10. **Lending and borrowing:**- (1) No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealing;

    Provided that a Government servant may:-

    (1) deal in the ordinary course of business with a joint stock Company, bank or a firm of standing or the House Building Finance Corporation;

    (ii) accept a purely temporary loan of small amount, free of
interest, from a personal friend or the operation of a credit account with a bonafide tradesman.

(2) When a Government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will preside, possess immovable property, or carry on business within the local limits of such authority the Government servant shall forthwith declare the circumstances, when he is a Gazetted Officer, to Government through the usual channel, and where he is a non-gazetted Government servant, to the head of his office.

(3) This rule, in so far as it may be construed to relate to loans given to or taken from Co-operative societies registered under the Co-operative societies Act, 1925, or under any law for the time being in force relating to the registration of Co-operative Societies, by the Government servants shall be subject to any general or special restriction or relaxations made or permitted by Government.

11. **Buying and selling of valuable property, Movable and immovable:** (1) Save in the cases of a transaction conducted in good faith with a regular dealer, a Government servant who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value Rs. 5,000/- (five thousand rupees) with a person residing, possessing immovable property or carrying on business within the station district or other local limits for which such Government servant is appointed, shall declare his intention to the Head of the Department or the Secretary to the Government as the case may be when the Government servant concerned is himself the Head of Department or Secretary to the Government, he shall declare his intention to Government through the Secretary of the A.D. concerned or Chief Secretary. Any such declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by Government.

Provided that all transactions with a person who is an official subordinate of the Government servant should be reported to the next higher authority.

**Explanation**- In this sub-rule, the term 'property' includes:
agricultural or urban land, bonds, shares and securities but does not include a plot purchased for building a house from a Co-operative House Society or a Government Housing Scheme, or bonds; shares or securities purchased from the approved security market, a semi-Government institution or through public offer by a company.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant who is about to quit the station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it generally or by causing it to be sold by public auction.

11.A **Construction of building etc.:**- No Government servant shall construct a building, whether intended to be used for residential or commercial purposes, except with the previous sanction of Government obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.

12. **Declaration of property:**- (1) Every Government servant shall at the time of entering Government service make a declaration to Government, through the usual channel, of all immovable and movable Properties including shares, certificates, securities, insurance Policies, cash and jewellery having a total value of Rs. 10,000 (ten thousand rupees) or more belonging to or held by him or by member of his family individually or collectively and such declaration shall:

(a) state the district within which the property is situated;

(b) show separately individual items of jewellery exceeding Rs. 10,000/- (ten thousand rupees) in value; and

(c) give such further information as Government may by general or special order, require.

(2) Every Government servant shall submit to Government, through usual channel, an annual return of assets in the month of December showing any increase or decrease of property as shown in the declaration under sub-rule (1) or, as the case may be, the last annual return.

13. **Disclosure of assets, immovable, movable and liquide:**- A
Government servant shall, as and when he is so required by Government by a general or special order, furnish information as to his assets disclosing liquide assets and all other properties, immovable and movable, including share, certificates, insurance policies, cash, jewellery.

14. **Speculation and investment**- (1) No Government servant shall speculate in investments. For the purpose of this sub-rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No Government servant shall make any investment the value of which is likely to be affected by some event of which information is available to him as a Government servant and is not equally available to the general public.

(4) If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of Government thereon shall be final.

15. **Promotion and management of companies etc**:- No Government servant shall, except with the previous sanction of Government, take part in the promotion, registration or management of any bank or corn pay:

Provided that a Government servant may, subject to the provisions of any general or special order of Government, take part in the promotion, registration or management of a Co-operative Society registered under the Co-operative Societies Act or under any similar law.

16. **Private trade, employment or work**:- (1) No Government servant shall, except with the previous sanction of Government engage in any trade or undertake, any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not
inconsistent with his position or obligation as a Government servant; but he shall not undertake or shall discontinue such work if so directed by Government. A Government servant who has any doubt about the proprietary of undertaking any particular work should refer the matter for the orders of Government:

Provided further that a non-gazetted Government servant may without such sanction, undertake as small enterprise which absorbs family labour and where he does so shall file details of the enterprise alongwith the declaration of assets.

(2) Notwithstanding anything contained in sub-rule (1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by Government.

(3) This rule does not apply to sports activities and memberships of recreation Clubs.

17. **Subletting of residential accommodation allotted by Government:-** No Government servant shall, except with the prior permission of the Government, sublet residential accommodation or any portion thereof let him by Government.

18. **Government servant not to live beyond his means etc.:**- No Government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

19. **Insolvency and habitual indebtedness:-** (1) A Government servant shall avoid habitual indebtedness. If a Government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits.

(2) A Government servant who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Head of the office or Department or to the Secretary of the Administrative Department, as the case may be in which he is
20. **Unauthorised communication of official documents or information:** No Government servant shall, except in accordance with any special or general order of Government, communicate directly or indirectly any official information or the contents of any official document to a Government servant not authorised to receive it, or to a non-official person, or to the press.

21. **Approach to Members of the Assemblies, etc.:** No Government servant shall, directly or indirectly, approach any Member of the Assembly or any other non-official person to intervene on his behalf in any matter.

22. **Management etc. of Newspapers or periodicals:** No Government servant shall, except with the previous sanction of Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

23. **Radio Broadcast and Communications to the press:** No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

   Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to or jeopardise the integrity of the Government servant, the security of Azad Jammu and Kashmir or friendly relations with foreign States, or to offend public order, decency or morality, or to amount to contempt of court, defamation or incitement to an offence:

   Provided further that no such sanction shall be required if such broadcast or such contribution or letter is of a purely literary artistic or scientific character.

24. **Publication of information and public speeches capable of embarrassing Government:** No Government servant shall, in any document published or in any public utterance or television programme or in any radio broadcast delivered by him, make any statement of fact or opinion which is capable of
embarrassing the Government:

Provided that technical staff (both gazetted and non-
gazetted) may publish research papers on technical subjects, if
such papers do not express views on political issues or on
Government policy and do not include any information of
classified nature.

25. **Evidence before Committee:**

(1) No Government servant shall
give evidence before a public committee except with the
previous sanction of Government.

(2) No Government servant giving such evidence shall criticise
the policy or decisions of the Government.

(3) This rule shall not apply to evidence given before statutory
committees which have power to compel attendance and the
giving of answers, nor to evidence given in judicial inquiries.

26. **Taking part in politics and elections:**

(1) No Government
servant shall take part in, subscribe in aid or assist in any way,
any political movement in Azad Jammu and Kashmir or Pakistan
or relating to the affairs of Azad Jammu and Kashmir or
Pakistan.

(2) No Government servant shall permit any person dependent
on him for maintenance or under his care or control to take part
in, or in any way assist, any movement or activity which is or
tends directly, or indirectly to be, subversive of Government as
by law established in Azad Kashmir or in Pakistan.

(3) No Government servant shall canvass or otherwise interfere
or use his influence in connection with or take part in any
election to a legislative body, whether in Azad Kashmir or
Pakistan:

Provided that a Government servant who is qualified to vote
at such election may exercise his right to vote: but if he does so,
he shall give no indication of the manner in which he proposes to
vote or has voted.

(4) No Government servant shall permit any member of his
family to act in a manner in which he himself is not permitted by
sub-rule (3) to act.

(5) A Government servant who issues an address to electors or
in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to have taken part in an election to such body.

(6) The provisions of sub-rule (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law or order of Government, for the time being in force, to be candidates at such elections.

(7) If any question arises whether any movement or activity falls within the scope of this rule, the decision of Government thereon shall be final.

27 **Propagation of Sectarian creeds, etc:**- No Government servant shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favouritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Government servants in particular and amongst the people in general.

28. **Nepotism, favouritism and victimization, etc.**:- No Government servant shall indulge in regionalism, parochialism, nepotism, victimization, or willful abuse of office, by favouritism.

29. **Vindication by Government servants of their public acts or character:**- (1) A Government servant may not, without the previous sanction of Government, have recourse to any Court or to press for the vindication of his public acts or character from defamatory attacks. When Government grants sanction to a Government servant to have recourse to a Court, Government will ordinarily bear the cost of the proceedings, but may leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, Government may reimburse him to the extent of the whole or any part of the cost.

(2) Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.

30. **Membership of service Association.** No Government servant
shall be a member, representative or officer of any association representing of purporting to represent Government servants or any class of Government servant, unless such association satisfies the following conditions, namely:

(a) The Association has been sanctioned by the Government and membership of the association and its office bearers shall be confined to a distinct class of Government servants and shall be open to all Government servants of that class.

(b) The association shall not be in any way connected with, or affiliated to, any association which does not, or any federation of associations which do not, satisfy condition (a) above.

(c) The association shall not be in any way connected with any political activity, or organization or engage in any Political activity.

(d) The association shall not:-

(i) issue or maintain any periodical publication except in accordance with any general or special order of Government; and

(ii) except with the previous sanction of Government, publish any representation on behalf of its members whether in the press or otherwise.

(e) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in Azad Kashmir or elsewhere -

(i) pay or contribute towards, any expenses incurred in connection with the candidature by a candidate for such election;

(ii) by any means support the candidature of any person for such election; or

(iii) undertake or assist in the registration of electors, or the selection of a candidate for such election.

(f) The association shall not:-

(i) Maintain, or contribute towards the maintenance of, any
member of a legislative body or of any member of local authority or body, whether in Azad Kashmir or elsewhere; or

(ii) pay, or contribute towards, the expenses of any trade union which has constituted a fund under the Trade/Union Act.

31. **Use of political or other influence:** No Government servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on Government or any Government servant in support of any claim arising in connection with his employment as such.

32. **Approaching/Foreign Missions and Aid Giving Agencies:** No Government servant shall approach, directly or indirectly a foreign Mission in Azad Kashmir or Pakistan or any foreign aid-giving-agency in Azad Kashmir or Pakistan or abroad to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

33. **Delegation of powers:** Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order, prescribe the channel through which reports shall be made to Government and the officers receipts by whom of such reports shall be regarded as receipts of the reports by Government within the meaning of these rules.

34. **Rules not to be in derogation of any law, etc.:** Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

By order of the President

(Mohammad Masihuzzaman)
CSP
Chief Secretary
Azad Govt. of the State of J&K.
THE AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR, LAW & PARLIAMENTARY AFFAIRS, SECRETARIAT, MUZAFFARABAD

NOTIFICATION

MUZAFFARABAD, the May 23, 1972

In exercise of the powers conferred by Section 8 of the Cinematograph Act, 1918 (Act II of 1918) as in force in Azad Jammu and Kashmir, the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following rules, namely:-

THE AZAD JAMMU & KASHMIR CINEMATOGRAPH RULES, 1972

Part – I: Introductory

1. (1) These rules may be called the Azad Jammu and Kashmir Cinematograph Rules, 1972.

   (2) They shall come into force at once.

2. In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

   (i) the 'Act' means the Cinematograph Act, 1918 (Act II 1918);

   (ii) 'auditorium' means that portion of the building or place which is occupied by the audience or spectators during a cinematograph exhibition;

   (iii) 'cinema' means any place where exhibition by Cinematograph is given;

   (iv) 'Electric Inspector' means an Inspector appointed by Government under section 36 of the Electricity Act, 1910;

   (v) 'enclosure' means that portion of a place licensed under Section 3 of the Act in which the cinematograph apparatus is installed;

   (vi) 'Executive Engineer', in relation to the licensing of any place
for cinematograph exhibitions, means the officer holding charge of that division of the buildings and roads Branch of the Public Works Department in which such place is situated;

(vii) 'exit' includes an emergency exit and any entrance useable by the public as an exit;

(viii) 'fire-resisting material' means:

(a) burnt brickwork, cement concrete and reinforced brickwork or cement concrete having a minimum cover of one inch;

(b) terra cotta blocks securely bounded: Provided that no side or web thereof is less than one and a half inches in thickness;

(c) stonem tiles, solid gypsum blocks, marble, iron steel, copper, asbestos or zinc; and

(d) such other material as Government may by notification in the official Gazette, declare, to be fire-resisting material.

(ix) 'form' means a form appended to these rules;

(x) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(xi) 'licensee' includes the person or persons nominated by the licensee under rule 17 whose name or names have been entered as such in the licence;

(xii) 'licensed premises' means a place licensed under section 3 of the Act;

(xiii) 'No objection Certificate' means a no objection certificate issued by the appropriate authority under rule 5;

(xiv) 'open air cinema' means a building which is permanently equipped for cinematograph exhibition but whose auditorium is partly or wholly open to the sky;

(xv) 'touring cinematograph' means a cinematograph apparatus which is so constructed that it can be taken from place to
place for the purpose of giving cinematograph exhibitions;

(xvi) 'touring cinematograph of the safety class' means a touring cinematograph in which an incandescent lamp is used for the projector; and

(xvii) 'urban area' means the area declared by Government to be a municipality.

Part – II: Procedure in Granting Licences

3. No person under eighteen years of age shall be entitled to obtain or hold any licence under these rules.

4. (1) Licences granted under section 3 of the Act shall be either annual or temporary.

(2) A licence granted under sub-rule (1) shall not be transferable except with the written permission of the District Magistrate and on the death of the licensee it shall stand revoked.

5. (1) Any person who intends to obtain an annual licence shall make an application to the District Magistrate for the grant of a 'No objection Certificate' and every such application shall be accompanied by a fee of one hundred rupees, which shall not be refunded, whether the licence is granted or not, and a plan of the proposed site drawn to scale which shall clearly indicate the surrounding roads and buildings, including any schools, hospitals and mosques situated within a distance of 200 yards of the proposed site:

Provided that it shall not be necessary to obtain a 'No objection Certificate' in the case of an application for renewal of an annual licence.

(2) The District Magistrate shall take into consideration any local objections and make recommendation to the Commissioner whether 'No Objection Certificate' should be granted or not.

(3) On consideration of the report of the District Magistrate, the Commissioner may grant a 'No objection Certificate' or refuse to grant the same.

Provided that where the Commissioner refuses to grant a 'No objection Certificate' the applicant may, within thirty days of the
communication of such decision to him, appeal against the decision to Government whose decision shall be final.

(4) (i) An annual licence shall only be granted in accordance with the provisions of the rules in Part III and in respect of a building permanently equipped for cinematograph exhibition. It shall be valid for one year from the date of issue and shall be renewable on application being made by the licensee.

(ii) Subject to the provisions of the rules in part IV, a temporary licence may be granted in respect of any village, town or city for exhibition by means of a touring cinematograph only. Save with the sanction of the Commissioner and unless Government otherwise directs no temporary licence shall be granted to any person for any one village, town or city for a period exceeding ninety days in any one year, and no licences for touring cinematograph shall be granted in respect of one village, town or city for periods which taken together make an aggregate period exceeding one hundred and eighty days during a year.

6. (1) Licences, whether annual or temporary, shall be in Form 'B' and shall be subject to the conditions and restrictions set forth therein and to the provisions of these rules.

(2) The licensee shall have the licence displayed in the licensed premises in such a manner that it is easily visible to the naked eye.

7. (1) Every application for the grant or renewal of a licence shall be in writing and shall be signed by the applicant.

(2) Applications for the grant, as distinct from the renewal of an annual licence, shall be accompanied by :

(a) a true copy of the "No Objection Certificate' granted under rule 4.

(b) full particulars regarding the ownership of, and all rights in, the premises and in the cinematograph apparatus to be used therein;

(c) complete plans, elevations and sections in duplicate, of the
premises and of all erections and buildings thereon drawn correctly to the scale of one eighth of an inch to one foot and showing the width of all stairways and the number of steps in each, the width of corridors, gangways and doorways, the height of the cinematograph and of the plan for the generation or conversion of electrical energy;

(d) a site plan in duplicate on a separate sheet drawn to the scale one fortieth of an inch to one foot showing the position of the premises in relation to any adjacent premises and to the public thoroughfares upon which the premises abuts and the arrangements proposed for the parking of motor cars and other vehicles;

(e) specifications of the various materials proposed to be used in the construction of the cinema building.

(3) The cardinal points of the compass shall be shown on the plans and the plans shall be so coloured as to distinguish the materials used in the construction of the buildings.

(4) Applications under sub-rule (2) shall be submitted to the District Magistrate before any alternations necessary for the adaptation of any existing premises for cinematograph exhibitions are taken in hand, or in the case of a new building, before its construction is begun.

(5) The Licensing Authority or the District Magistrate as the case may be, may require an applicant for a temporary licence to furnish such plan of the premises and such specifications as it may consider necessary.

8. An application for the renewal of an annual licence shall be made at least two months before the date of the expiry of the licence:

Provided that the District Magistrate may, where the application for renewal is not made within two months of the expiry of the old licence, renew the licence on payment of the fee chargeable for a new licence.

9. (1) If on an application for the renewal of an annual licence the District Magistrate does not for any reason, before the date of the expiry of the licence, whether renew the licence or refuse to renew the same, it may grant a temporary permit in Form 'C'.

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(2) Such temporary permit shall be subject to the conditions of the licence sought to be renewed and shall be valid for such period not exceeding three months as the District Magistrate may direct:

Provided that the temporary permit shall cease to be valid and shall be surrendered to the District Magistrate on the applicant receiving his licence duly renewed, or on his receiving an order refusing to renew the licence.

(3) The temporary permit shall, during the period of its validity, be deemed to be licence for the purposes of these rules.

(4) A fee of Rs. 50/- shall be levied for the grant of a temporary permit:

Provided that if in the opinion of the District Magistrate the grant of the temporary permit has been due to any cause other than the negligence of the licensee, the fee or any part thereof may be remitted by the District Magistrate.

(5) The period of the temporary permit shall count towards the period for which the licence is sought to be renewed.

10. (1) The District Magistrate may at any time for reasons to be recorded in writing, revoke or suspend a licence granted by a licensing authority for any breach of these rules or of the condition of the licence.

(2) The District Magistrate may issue such directions or instructions to the licensee as may be considered necessary to prevent any obstructions, inconvenience, annoyance, risk danger or damage to the residents or passers by in the vicinity of the licensed premises or for the maintenance of public safety and public order.

(3) In the event of any outbreak or apprehended outbreak of an epidemic, the District Magistrate may after consulting the District Health authorities, direct:

(a) the total closure of any licensed premises for a specified number of days;

(b) a reduction in the scale of accommodation prescribed for licensed premises under rule 37 or 97 as may be applicable;
(c) the adoption of special measures for the disinfection of the licensed premises, including spraying and fumigation;

(4) The licensee shall be, bound to comply forthwith any directions issued under sub-rule (2) and (3), and on his failure to do so, his licence shall be liable to revocation or suspension.

11. The licensee shall not allow any person during a cinematograph exhibition or in the intervals of the exhibition to shout in the auditorium for the purpose of hawking or offering for sale eatables, drinks or any other articles.

12. No cinematograph exhibition shall be held between the hour of 12.30 A.M. and 3 P.M. on any day:

Provided that nothing contained in this rule shall debar the holding of a cinematograph exhibition between the hours 11.00 A.M. and 3 P.M. on Sundays and gazetted holidays.

13. The licensed premises shall not, except with the previous permission of the District Magistrate, be used for any purpose other than cinematograph exhibition.

14. (1) The licensed premises shall be provided to the satisfaction of the District Magistrate, with a sufficient number of spittoons in suitable places for the use of the public.

(2) The spittoons shall contain a strong disinfectant and shall be emptied from time to time.

(3) Notices for using such spittoons shall be displayed prominently at suitable places in the licensed premises.

15. The licensee shall at all times keep the licensed premises in a clean and sanitary condition.

16. (1) The licensee shall be responsible for complying with the provisions of these rules and the conditions of his licence, for maintaining the licensed premises at all times and in all respects in conformity with the standards prescribed by these rules, and for taking all necessary measures, before any cinematograph exhibition is commenced, to ensure the safety of his employees and the public against fire and other accidents.

(2) The licensee or some responsible person or persons
nominated by him in writing for the purpose and whose name or names have been notified to the District Magistrate shall be in general charge of the licensed premises and the cinematograph apparatus during the whole time that any exhibition is in progress therein.

17. The licensee shall be responsible for all acts and omissions of his managers, servants or agents pertaining to the premises to which his licence relates.

18. No slot or amusement machine shall be operated on the licensed premises.

INSPECTIONS

19. (1) Before granting recommendation for being granted or renewing an annual licence in respect of any building the District Magistrate shall:-

(a) call upon the Executive Engineer, to examine the structural features of the building and report whether the rules relating thereto have been duly complied with;

(b) call upon the Electric Inspector to :-

(A) examine the cinematograph and the electrical equipment to be used in the building and to report whether they comply with the requirements of these rules and of the Electricity Act, 1910;

(B) report whether all reasonable precautions have been taken to protect spectators and employees from electric shock and to prevent the introduction of fire into the building through the use of electrical equipment; and

(C) report whether the prescribed fire extinguishing appliances have been provided, are in working order and are suitable for the purpose for which they are intended.

(2) Defects revealed by such inspections shall be brought to the notice of the applicant or licensee and also reported to the District Magistrate who may refuse to grant recommendation for being granted or renew the licence unless and until the defects are remedied to his satisfaction.
20. The licensing Authority or the District Magistrate, or any officer authorized by him in this behalf may at any time enter a place which it or he has reason to believe is being used or is intended to be used for the purpose of cinematograph exhibitions in order to satisfy itself or himself that the provisions of section 3 of the Act the rules framed thereunder and the conditions of the licence are being complied with.

21. (1) The Electric Inspector or any officer specially appointed to assist him in this behalf may at any time enter and inspect any licenced premises.

(2) Defects revealed by such inspections shall be brought to the notice of the licensee and shall also be reported to the District Magistrate.

22. (1) The District Magistrate, may, by general or special order, authorise a Medical Officer to inspect the sanitary conditions of any licensed premises and such officer may visit all parts of the premises for purposes of such inspection at any time except when an exhibition is in progress.

(2) Defect revealed by such inspections shall be brought to the notice of the licensee and also reported to the District Magistrate.

(3) The Director of Health Services, Azad Jammu and Kashmir, or any officer deputed by him in this behalf may inspect the sanitary conditions of any licensed premises and report any defects found by him to the District Magistrate.

23. The licensee shall, on demand by the Licensing Authority or by the District Magistrate, or by any officer authorised by it or by these rules in this behalf, produce for inspection his licence and the plan of the licensed premises.

24. (1) Touring cinematographs used for giving public exhibitions shall be brought, for the purposes of annual inspection by the Electric Inspector to a town where a licence under the Electricity Act, 1910, has been granted:

Provided that such cinematographs shall be inspected at site if electrical generating sets are available there.

(2) If after an inspection under sub-rule (1), the Electric Inspector is satisfied that a touring cinematograph can be used without
danger to the public, he shall issue a certificate to that effect.

25. The District Magistrate, or the Superintendent of Police or any officer authorised in this behalf by the District Magistrate, may at any time inspect the films which it is proposed to exhibit in the licensed premises, and the licensee shall make such arrangements for the inspection thereof as the inspecting officer may require.

**ALTERATIONS AND REPAIRS**

26. (1) No addition to or alteration of any portion of the licensed premises, whether necessitated as a result of a fire or any other cause, shall be made without the sanction of the District Magistrate.

(2) The licensee shall give notice in writing to the District Magistrate, of his intention to make any such addition or alteration and such notice shall be accompanied by complete plans elevations and sections, and specifications of the work proposed to be executed, drawn up in duplicate in the manner prescribed in rule 8:

Provided that in the case of premises for which a temporary licence has been granted only such plans and specifications, shall be furnished, as the District Magistrate may consider necessary.

(3) The work shall not be commenced until the consent of the District Magistrate has been obtained, and the District Magistrate shall not give its consent unless the Executive Engineer, certifies that the proposed addition or alteration is in accordance with these rules.

(4) No addition to or alteration of any part of the cinematograph and its appurtenance or of the lighting or other electric arrangements in the licensed premises shall be made without the sanction of the District Magistrate.

(5) The licensee shall give notice in writing to the District Magistrate, of his intention to make any such addition or alteration as contemplated in sub-rule (4) and the District Magistrate, shall not give sanction thereto unless the Electric Inspector or an Officer deputed by him for the purpose certifies that the addition or alteration is in accordance with the provisions of these rules.

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27. Notice in writing shall be given by the licensee to the District Magistrate, of his intention to carry out repairs or re-decorations in the licensed premises necessitating the use of scaffolding, cradles or plant, giving full details of the position thereof, if it is intended that the public shall be admitted while such scaffolding, cradles or plant are in position or in use; and if the District Magistrate so requires the premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant removed.

28. The following fees shall be charged for the grant and renewal of licences and for inspections under these rules:-

**Table of Fees**

1. For the grant of an annual licence ... Rs. 250
2. For renewal of an annual licence ... Rs. 125
3. For a temporary licence, for each week or part of week. ... Rs. 5
4. For a duplicate of an annual licence ... Rs. 20
5. (i) For an inspection/inspections by the Executive Engineer for the grant of an annual licence (not more than two inspections) ... Rs. 125
   (ii) For any additional inspection over and above the inspection/inspections referred to in (i) that may be necessary. ... Rs. 50
6. For an inspection by the Executive Engineer in connection with the renewal of an annual licence:
   (i) For the first regular inspection ... Rs. 50
   (ii) For any subsequent or special inspection that may be carried out at the direction of the District Magistrate. ... Rs. 150
7. (i) For an inspection/inspections by the Electric Inspector for the grant of an annual licence (not more than two inspections) ... Rs. 125
   (ii) For any additional inspection over and above the inspection/inspections referred to in (i) that may be necessary. ... Rs. 50
8. For an inspection by the Electric Inspector
in connection with the renewal of an annual licence:-

(i) For the first regular inspection … Rs. 50
(ii) For any subsequent or special inspection that may be carried out under the direction of the District Magistrate. … Rs. 50

9. For an inspection by the Electric Inspector of a Touring Cinematograph: -

(i) For the first inspection … Rs. 50
(ii) For any subsequent or special inspection that may be necessary. … Rs. 50

Part III—Rules Regarding Buildings Licensed Annually for Cinematograph including Buildings of "Open Air Cinemas"

29. In this part the term "cinema building" means a building in respect of which an annual licence has been or may be granted under rule 31.

(1) An annual licence shall only be granted or renewed in respect of a cinema building which as regards its location, structure, fittings electrical and other equipment complies with the provisions of the rules in this part:

Provided that the provisions of rules 32(1), 35, 39(1), 40, 41(3), (4) and (5), 44(2) and (4), 49(1), 50 and 60 may be relaxed by Government as it may think fit:

Provided further that in the case of "open air cinemas" the relaxation referred to in the above proviso may be granted by the District Magistrate in Consultation with the Executive Engineer without reference to Government.

(2) Notwithstanding anything contained in sub-rule (1):

(i) the provisions of rules 32, 33, 34(1) and (2), 35, 36(2) 39(5), 40, 41(3), (4), (5), and (6) and 44(1) shall not apply to any building duly licensed for use for cinematograph exhibition before the coming into force of these rules, provided that if any such building has a cloth roof, or if the partition walls of its boxes are made of non-fire-resisting material, the same shall be replaced by fire-resisting material; and

(ii) the provisions of rules 39, 40, 41(3), (4) (5) and (6), 44 and 45(3) and (4) shall apply to open air cinemas only to such
extent as may be determined by the District Magistrate.

31. (1) A licence shall not be granted under rule 31 in respect of a building unless:

(a) it is a detached building; or

(b) abuts upon or has frontage of adequate length, to two or more public ways or open spaces of such width as will enable the persons who are to be accommodated in the building to disperse quickly in the event of fire or panic and permit the approach of fire engines up to the building, and from where there are at all times free means of exit:

Provided that one of such public ways or open spaces shall be a thorough road having a clear width of not less than thirty-five feet inclusive of foot-paths, if any.

Explanation- A building shall not be deemed to be a detached building for the purpose of this sub-rule, unless in the case of a building which is to accommodate not more than one thousand persons the minimum distance, by which it stands apart from other buildings, structures or any other obstructions is twenty feet and is so situated as to enable the persons who are to be accommodated therein to disperse rapidly in the event of fire or panic and permit the approach of fire engines up to the building, and in the case of buildings which are to accommodate more than one thousand persons, the distance by which it stands apart from other buildings is such as the District Magistrate may specify in each case.

(2) The frontages shall be considered of adequate length if they form about half of the total perimeter of the site of the building excluding recesses and projections:

Provided that if they are less than half, a licence shall not be granted without the previous sanction of Government.

(3) The building shall not be constructed underneath or on top of any part of any other building.

32. No portion of the cinema building shall be occupied or used as a factory, workshop or for storage purposes or as a hotel or for residential purposes or for the preparation or sale of food or drink, except as the District Magistrate may by written order
33. (1) The cinema building shall have external and party walls of brick, mud, stone, corrugated iron or concrete:

(2) where the cinema building is in close proximity to another building, it shall be separated therefrom by walls and structures of fire resisting materials in a manner approved by the District Magistrate and no openings in the walls or in any part of the cinema building such as may be liable to communication fire shall overlook a neighbouring building.

(3) Any opening in the cinema building overlooking an adjacent site upon which an inflammable structure is erected or upon which inflammable material is stored shall be protected to the satisfaction of the District Magistrate.

34. (1) All floors, galleries, tiers, posts, columns, joints, trusses, stairways and landings in the cinema building shall be of fire-resisting material.

(2) All partitions in the cinema building shall be made of fire-resisting material or of wood not less than 1¾" thick and certified by the Executive Engineer to be hard wood.

(3) All ceilings and paneling in the cinema building shall be made of fire-resisting material or of compressed or synthetic material treated against flaming which has been certified by the Executive Engineer to be suitable for the purpose intended.

(4) All floors in the cinema building, including galleries, landings and corridors with their supports shall be capable of supporting a static load of one hundred pounds per square foot and, as in alternative loading, every step or landing shall be strong enough to support a point load of three hundred pounds placed in any position.

(5) Where the first tier or gallery extends over the stalls the height between the floor of the stalls and such tier of gallery shall not in any part be less than ten feet; the height between the floor of the highest part of the gallery and the lowest part of the ceiling over the same shall not in any part be less than twelve feet; the height between any tier and the tier or ceiling above it shall in no case, be less than eight feet.
(6) The following dimensions are prescribed for projection rooms and booking, office:

<table>
<thead>
<tr>
<th></th>
<th>Length</th>
<th>Breadth</th>
<th>Area</th>
<th>Height</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Projection Room</td>
<td>18 ft.</td>
<td>14 ft.</td>
<td>252 sq. ft.</td>
<td>12 ft.</td>
<td>It shall have at least two ventilators, each 2½ ft. x 1½ ft. in size.</td>
</tr>
<tr>
<td>(b) Booking Office</td>
<td>6 ft.</td>
<td>4 ft.</td>
<td>24 sq. ft.</td>
<td>8 ft.</td>
<td>It shall have at least one ventilator of 2½ ft. x 1½ ft. in size.</td>
</tr>
<tr>
<td>(c) Booking Office</td>
<td>10 ft.</td>
<td>4 ft.</td>
<td>40 sq. ft.</td>
<td>8 ft.</td>
<td>It shall have at least two ventilators, each 2½ ft. x 1½ ft. in size.</td>
</tr>
</tbody>
</table>

35. (1) The cinema building and its compound, if any, shall be adequately drained to the satisfaction of the District Magistrate.

(2) Except with the written permission of the District Magistrate at the lowest floor of the cinema building shall not be constructed at a lower level than that at which it can be effectively drained by gravity.

36. (1) Accommodation shall not be provided in any part of the auditorium at a higher scale than 20 persons per 100 sq. feet exclusive of passages.

(2) A notice showing the number of spectators permitted by the conditions of the licence to be admitted to each separate part of the auditorium shall be exhibited at a prominent place either at the entrance of the building or in the auditorium.

(3) For each separate part of the auditorium the licensee shall issue separate admission tickets bearing serial numbers and the number of the performance on the foils and counter-foils, and after each performance the ticket books shall be marked "closed"
on the last counter-foil issued.

37. (1) The seating in the cinema building shall be so arranged that there is free access to exits.

(2) The seating space in the auditorium assigned for each person shall not be less than 2 ft. 4 inches deep where seats with backs are provided and not less than 2 ft. deep where seats without backs are provided and not less than 1 ft. 8 inches where seats without arms are provided.

(3) The rows of seats shall be so arranged that there is clear space of not less than one foot between the back of one seat and the foremost portion of the seat behind.

(4) All seats, except those in private boxes, shall be securely fixed to the floor, and if battened together or made in links, the complete link shall be firmly attached to the floor.

(5) Chairs with folding seats shall be provided wherever required by the District Magistrate.

(6) Where benches are provided, the benches shall have arms suitably fixed so that each seat is separate.

(7) The minimum distance between the cinematograph screen and the front row of seats shall not be less than 25 feet.

(8) The seats in the auditorium excepting those contained in private boxes shall be arranged in the manner of an arc concave edge of which shall face the screen.

38. (1) Gangway not less than 44 inches wide shall be provided in the cinema building as follows: -

(a) Down each side of the auditorium;

(b) Down the centre of the seating accommodation at intervals of not more than 25 feet;

(c) Parallel to the line of the seating so as to provide direct access to exit; provided that not less than one gangway for every 10 rows shall be required.

(2) All gangways, exits and the treads of steps and stairways
shall be lined with non-slippery surfaces.

(3) Druggets, matting and floor covering, if provided in gangways, shall be securely fastened to the floors.

(4) The exits and gangways, and passages leading to exits shall be kept clear of all obstructions other than rope barriers provided in accordance with sub-rule (6) and on no account shall any seats be placed in the gangways or spectators be allowed to stand in the gangways at the time of a cinematograph exhibition.

(5) If steps have to be inserted in a gangway or passage, there shall be not less than three steps at any one place, and the treads shall not be less than 15 inches wide and shall be of uniform width and height.

(6) Rope barriers in gangways or elsewhere shall be fitted with clips or fastenings which fill par in the centre on slight pressure, and shall not trail on the floor.

(7) Guard rails not less than 3 feet 6 inches above floor level shall be provided on the parapet at the foot of gangways in galleries where the incline of the gangway exceeds 15 degrees.

39. (1) Every gallery or upper floor in the cinema building intended for use by the public shall be accessible by at least two stairways, each not less than 4 feet wide.

(2) The treads and risers on each flight of stairs shall be of uniform width and height, and the treads shall not be less than 11 inches wide and the risers shall not be more than 6 inches high.

(3) There shall be not winders.

(4) A continuous hand-rail shall be fitted to each side of the stairways.

(5) No stairway shall discharge into passage or corridor against or across the direction of an exit.

40. (1) Every portion of the cinema building to which the public are admitted shall be provided with an adequate number of clearly indicated exits placed in such positions and so maintained as to afford the audience ample means of safe and speedy aggress.
(2) In the auditorium there shall be at least one exit from every tier, floor or gallery for every 100 persons or part thereof for which accommodation is provided therein:

Provided that from every upper floor or gallery there shall be not less than two exits:

Provided further that an exit on or by way of a stage or platform shall not be reckoned as one of the exits required by this rule.

(3) Every exit from the auditorium shall provide a clear opening space of not less than 7 feet high and 5 feet wide.

(4) Exits from the auditorium shall be suitably spaced along both sides and along the back thereof, and shall deliver into two or more different through fares or open spaces from which there are at all times free means of rapid dispersal.

(5) Every passage or corridor leading from an exit in the auditorium to a final place of exit from the cinema building shall be of such width as will, in the opinion of the District Magistrate, enable the persons who are likely to use it in an emergency to leave the cinema building without danger of crowding or congestion, and at no point shall any such passage or corridor be less than 5 feet wide not shall it diminish in the direction of the final place of exit.

(6) The combined width of the final places of exit from the cinema building shall be such that there is at least 5 feet of exit width for every 100 persons that can be accommodated in the building.

(7) All exit doors shall open outwards and shall be so fitted that when opened they do not obstruct any gangway, passage, corridor stairway or landing.

(8) All exit doors and doors through which the public have to pass on the way to the open air shall be available for exit during the whole time that the public are in the cinema building and during such time shall not be locked, or bolted.

(9) The attendant in charge of each exit door leading from the auditorium shall be provided with an electric torch of adequate strength and it shall be his duty to guide the spectators to the
seats. It shall also be his duty to throw open the door in case of any emergency.

(10) All exits from the auditorium and all doors or openings (other than the main entrance) intended for egress from the cinema building shall be clearly indicated by the word "exit" in block letters not less than seven inches high and so displayed as to be clearly visible in the light as well as in the dark.

(11) All other doors or openings in the cinema building shall be so constructed as to be clearly distinguishable from exits and may be indicated by the word "No thoroughfare" arranged as illustrated below, but notices bearing the words "No Exit" shall not be used in any part of the building.

"No Thoroughfare"

(12) All exit doors and doors through which the public have to pass on the way to open air shall be thrown open immediately after the exhibition is over.

41. Pay boxes, check boxes and attendants' seats shall be fixed in such positions in the cinema building that they do not obstruct means of exit, and any mirror, pictures, notices or advertisements attached to or hung upon the walls shall be so placed as not to cause obstruction to exits and shall be fixed flat against the wall or kept clear of the headline, i.e. 7 feet above the floor.

42. (1) Provisions shall not be made in the corridors, passages and stairways of the cinema building for hanging hats and cloaks.

(2) Where cloak room are provided they shall be so situated that the persons using them will not interfere with the free use of any exit.

43. (1) The combined area of the window, door and ventilator openings in the cinema building shall not be less than one-fifth of the total floor area.

(2) Unless the auditorium is air-conditioned, the means of ventilation shall take the form of natural ventilation and suitably located power driven exhaust fans of such capacity and size as may be determined by the Electric Inspector.

(3) Electric ceiling fans shall be provided in the auditorium at
suitable locations and the number and size of such fans shall determined by the Electric Inspector.

(4) Where natural ventilation is provided by windows or skylights which have to be darkened or obscured, free permanent top ventilation shall be arranged by means of ridge or ceiling ventilators.

(5) Unless the auditorium is air-conditioned, after each performance the whole of the auditorium shall be completely flushed with air for a duration of not less than twenty minutes.

44. (1) The cinema building and its compound, if any, shall be kept free from effluvia arising from drain, privy or other nuisance.

(2) Separate latrines and urinals for the use of males and females shall be provided at suitable places in or near the cinema building.

(3) Latrines and urinals shall be provided at the rate of not less than one per cent and two per cent respectively of the seating capacity of the auditorium, and they shall be so constructed as to cause no nuisance.

(4) Where the auditorium extends over an upper floor, a minimum of one urinal for each sex shall be provided on such floor.

(5) The latrines and urinals shall be cleaned or flushed immediately before and after each performance and shall be washed or other sanitary fluid at least twice a day.

45. (1) Such arrangement shall be made for the parking of motor cars and other vehicles in the compound or the vicinity of the cinema building as the District Magistrate may require.

(2) No vehicle shall be parked or allowed to stand in such a place as to obstruct exits or impede the rapid dispersal of the persons accommodated in the cinema building in the event of fire or panic.

46. (1) Fire extinguishing appliances suitable to the character of the cinema building and of a pattern class and capacity approved by the District Magistrate shall be kept in the cinema building so as to be readily available for use in case of fire in any part of the
buildings.

(2) Adequate means of dealing with fire, including wet blankets, portable chemical fire extinguishers and buckets filled with dry sand and water in such numbers and of such description, as the Licensing Authority may direct, shall at all times be readily available within the enclosure.

(3) All fire extinguishing appliances shall at all times be maintained in proper working order and available for instant use, and all chemical fire extinguishers shall be capable of withstanding a pressure of not less than 250 Lbs, per square inch and all fire extinguishing appliances shall be put to pressure test every year and proper certificates obtained therefore.

(4) During a cinematograph exhibition, all fire extinguishing appliances shall be in charge of a person fully trained in fire extinguishing methods and possessing a certificate of such training from a Fire Brigade maintained by a local authority or such other organisation as Government may specify in this behalf.

(5) In places where there is a public telephone system, the cinema building shall be connected by telephone with the nearest Fire Brigade Station in that place.

**Enclosure**

47. The cinematograph apparatus shall be placed in an enclosure of substantial construction, the dimensions of which shall be such that when the cinematograph apparatus and other necessary fittings are installed therein, there is sufficient space to allow the operators to work freely.

48. (1) The enclosure shall be outside the auditorium.

(2) The enclosure shall be entirely self-contained and shall house only the cinematograph apparatus, fire appliance and such controlling apparatus as must of necessity be placed therein.

49. (1) The enclosure shall have only one entrance which shall not communicate with any part of the cinema building to which the spectators have access and which shall be fitted with a self-closing door.
50. The enclosure and any fittings, covering and openings thereto shall be made of fire-resisting material and shall be so designed, constructed and maintained as to prevent, as far as possible; when all openings are closed, fire or smoke the enclosure spreading to any other part of the cinema building.

51. Proper and efficient means of ventilation shall be provided in the enclosure in such a manner that there is no communication with any part of the cinema building to which the public are admitted through the medium of such means of ventilation.

52. (1) The number of openings in the front of the enclosure shall not exceed three projection openings, each not more than 20 square inches for 2-D films and 63 square inches for 3-D and cinemascope films in area and one inspection opening not more that 36 square inches in area for each cinematograph apparatus or projector.

(2) All such openings shall be equipped with screens of fire-resisting material and shall be so operated that only one projection opening and one inspection opening remain open at any one time, and shall be so constructed that all openings can be automatically closed from convenient positions both from inside and outside the enclosure.

53. No non-synchronous machine shall be placed in or operated from the enclosure without the written permission of the District Magistrate.

54. No person other than the qualified operators described in rule 100 or an apprentice duly authorised by the licensee under rule 105 shall be allowed to enter or be in the enclosure while an exhibition is in progress.

55. (i) No inflammable article shall be taken into or allowed to remain in the enclosure.

(ii) No smoking shall at any time be permitted within the enclosure, and no naked light shall be used therein.

(iii) A notice shall be prominently exhibited both inside and outside the enclosure to the effect that smoking is prohibited.
Projector Apparatus and Films

56. Cinematograph projectors shall be placed on firm supports constructed of fire-resisting material and shall be provided with a metal shutter between the film gate and the source of light so constructed that the shutter shall immediately drop in the event of any accident to the cinematograph apparatus or stoppage of the film and shall automatically rise when the film is in motion for the purpose of projection.

57. The film gate shall be of massive construction, and shall be provided with ample heat-radiating surface. The passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light opening.

58. (1) Cinematograph projectors shall be fitted with two metal film boxes of substantial construction, to and from which the film shall be made to travel.

(2) The film boxes shall be made to close in such manner, and shall be fitted with film slots so constructed, as to prevent the passage of flame into the interior of the film box.

59. Film spools shall be driven by means of chains, gears or bolts of fire-resisting material and films shall be so wound thereon that the wound film shall not at any time reach or project behind the edge of the flanges of the film spools.

60. Rewinding of films shall not be carried on in the enclosure.

61. During a cinematograph exhibition all films not actually in use shall be kept in closed metal boxes or containers.

62. (1) A separate room shall be provided for the rewinding of films and shall be constructed of fire resisting materials and the rewinding of films shall be done in that room only. No other combustible or inflammable material shall be kept therein.

(2) All fittings and fixtures in the rewinding room shall be constructed of fire resisting materials and the entrance to the room shall be provided with a self-closing and close fitting door and shall not communicate directly with the enclosure, the auditorium or any part of building to which the public are admitted or have access.
63. No illuminant other than electric lights shall be used in any part of the cinema building.

64. (1) Provision shall be made for adequate illumination of the auditorium and the exits therefrom to the outside of the cinema building, including any passages, corridors, landings and stairways, the notice indicating the position of exits, all parts of the cinema building to which the public are admitted.

(2) During the whole time the public are present in the cinema building the lighting for purposes other than the illumination of the auditorium, shall be in operation sufficiently to enable the public to see clearly their way out.

65. (1) The auditorium shall be provided with two independent lighting circuits taken from the main source of supply in the building.

(2) One circuit (hereinafter referred to as the general lighting circuit) which must not enter the enclosure, may include all exit signs and the lighting of all parts of the building to which the public are admitted and the other (hereinafter referred to as the emergency lighting circuit), shall be used exclusively for the lighting of the auditorium and shall be controlled from a convenient position within the enclosure.

(3) The two circuits shall not be combined in one fitting nor shall be wires or leds for one circuit be placed in the same casing or tube as those of the other circuit.

66. (1) The emergency lighting circuit shall supply such number of lights and these shall be fixed in such positions as may be determined by the Electric Inspector, and the lights shall be so arranged as to avoid a single fault extinguishing all the lights.

(2) Two-way control from both within and without the enclosure shall be provided for the emergency lightening circuit, the control from outside being suitable indicated and mounted on a different board from those on which any of the general lightening circuits are mounted, and placed in such a position as to be readily handled by a member of the cinema staff but inaccessible to the public.
67. (1) A separate and distinct circuit shall be provided for the supply of energy to cinematograph lamps and such circuit shall be controlled by a suitable main switch and fuse required in pursuance of rule 70, and there shall be in addition for each lamp a totally enclosed double pole iron-clad switch and fuse placed in a convenient position within the enclosure.

(2) When the cinematograph lamp is working, the electrical pressure across the terminals of the double-pole switch shall not exceed 220/230 volts.

68. A separate and distinct circuit shall be provided for the supply of energy to ceiling fans.

69. (1) Separate main switches and main cut-outs shall be provided as near as possible to the source of supply of energy in the cinema building for the general, emergency Projector and enclosure circuits and for all fan circuits provided that the emergency lightening main-switches and cut-outs shall be suitably indicated and mounted on separate boards.

(2) All main-switches, meters and other electrical apparatus installed near the source of supply of energy in the cinema building shall be housed in a separate enclosure used exclusively for the purpose and inaccessible to the public.

70. (1) Wiring within the enclosure and for emergency lightening circuit shall be in screwed piping except that where flexible cables are necessary; the flexible portion shall be either steel armoured or enclosed in suitable flexible metallic steel tubing.

(2) There shall be no-un-necessary slack electric able within the enclosure and all cable runs shall be as short and directs as possible.

(3) In the case of "open air cinemas" wiring exposed to weather shall be encased in metallic water-tight piping and the fittings securely fastened, and where weather-proof cables are used, the same shall not be installed at a height greater than ten feet from floor level and shall either be supported by bearer wiring or properly fixed.

71. All switches, cut-outs, resistance, lights, fans and all other electrical appliances in the enclosure shall be mounted on bases of fire-resisting materials and where practicable shall have strong
metallic covers enclosing all live parts, and switch covers shall be arranged in such a way that they cannot be opened unless the switch is in the "off" position.

72. (1) All metal work supporting or protecting electric supply lines shall be efficiently earthed by two separate and distinct connections with the earth.

(2) The resistance of the connections with the earth shall not exceed five ohm and all earthing leads shall run in such a manner that the course of each may be readily traceable.

(3) Where earthing leads pass through walls or are laid in floor they shall be suitable protected.

73. Resistances shall be made entirely of fire-resisting material and shall be so constructed and maintained that no coil or other parts shall at any time become so heated that a piece of paper placed in contact with any part of the resistance would readily ignite and all resistance, with the exception of the resistance for regulating purposes, shall be placed outside the enclosure and in a part if the cinema building to which the public are not admitted.

74. All suspended fittings or apparatus other than small single lamp pendants fitted at a height of less than 10 feet above the floor level of parts of the cinema building to which the public are admitted shall be provided with satisfactory means of suspension independent of the conductors.

75. Plant for the generation of electrical energy or for coding purposes, oil engines or other prime movers, main circuit transformers, conveners or rectifiers shall be placed in a compartment or compartments, the construction and location of which shall be subject to the approval of the Electric Inspector.

76. Electric accumulators, unless installed in rooms or compartments specially reserved therefore, shall be completely enclosed together with their terminals in substantial casings constructed, or lined with, insulating and fire-resisting material. Accumulators in cells or containers of celluloid shall not be installed, stored or used.

77. (1) Electric heaters or radiators shall not be used in any part of the cinema building to which the public are admitted except with
the consent of the Electric Inspector and subject to such conditions as he may prescribe.

(2) Are lamps shall not be used in the auditorium or in any part or the cinema building open to the public without the permission of the Electric Inspector; and when they are used in any such part special precautions shall be taken to guard against danger from falling glass and incandescent particles of carbon.

78. A framed diagram or schedule indicating clearly the arrangements of all circuits and sub-circuits of the Electrical installation, the position of the distribution boards and the sizes of cables shall be displayed in the cinema building and shall be kept up-to date.

79. The Electrical installation shall be in the charge of a properly qualified electrician approved by the Electric Inspector during the whole of the time the public are in the cinema building.

80. At least six electric torches of not less than two cells each shall be kept on the licensed premises in proper working order throughout the year and these shall be supplied to the attendants and members of the Staff for general use and emergency purposes and at least one pair of rubber gloves and rubber soled shoes, in good order shall be kept on the premises for every electrician employed therein.

81. Instructions for the restoration of persons suffering from electric shock shall be displayed conspicuously at a suitable place in the licensed premises.

82. If the District Magistrate so directs the cinema building shall be provided with a lightening conductor.

83. Save as otherwise specially provided in these rules, the electrical installation in a cinema building shall be in accordance with such specifications as may from time to time be prescribed by Government by notification,

84. (1) Notwithstanding anything in rule 31(2), the examinations granted in favour of buildings duly licensed for use for cinematograph exhibitions before the coming into force of these rules, shall operate only so long as such building are not reconstruction or alteration such exemptions shall cease to operate and the relevant rules shall apply to such buildings as they apply to other
buildings.

(2) If any question arises whether a building is or is not reconstructed or substantially altered for the purposes of this rule, the question shall be referred to the District Magistrate, whose decision thereon shall be final.

PART IV

RULES FOR EXHIBITION BY MEANS OF TOURING CINEMATOGRAPHS

In places licensed Temporarily

85. The rules in this part shall apply to exhibitions given by means of touring cinematographs in places licensed temporarily.

86. No cinematograph apparatus shall be used unless it has been certified by the Electric Inspector within a year of the date on which the exhibition is given to be fit for use without danger to the public.

87. The cinematograph apparatus shall be housed in a fireproof enclosure:

Provided that if the cinematograph apparatus is certified by the Electric Inspector to be a touring cinematograph of the safety class no fire-proof enclosure need be made, but a clear space of six feet (hereinafter referred to as the "reserved space") shall be railed of all round the cinematograph apparatus.

88. In the case of exhibitions given in a tent or booth or in any shelter or structure composed of, or covered with, combustible materials or of movable character, the cinematograph apparatus shall be operated from outside such tent, booth, shelter or structure and shall be placed as a distance of at least six feet therefrom.

89. No person other than a qualified operator employed by the licensee and holding a certificate granted by the Electric Inspector or an apprentice duly authorised by the licensee under rule 105 shall be allowed to enter or be in the enclosure or the "reserved space" while on exhibition is in progress.

90. No inflammable article shall be taken into, or allowed to remain
in, the enclosure or "reserved space" and no smoking shall be permitted or a naked light used therein.

91. No drapery and unprotected combustible material other than such materials as may compose the floor shall be within six feet of the cinematograph apparatus.

92. (i) Adequate fire-fighting appliances, including buckets of sand dam blankets and portable chemical fire extinguishers in number and of pattern, class and capacity approved by the District Magistrate and such other appliances as the District Magistrate may prescribe shall be kept in the licensed premises and they shall be so disposed as to be readily available for use in case of fire within the enclosure and shall be in the charge of a fully qualified person who is trained in fire extinguishing methods and is in possession of certificate from a fire brigade of a local authority or such other organisation as may be specified by Government.

(ii) Fire buckets of approved design shall be provided in the place in such number as the District Magistrate may direct and shall be kept at all times full of water.

93. All films not in use shall be kept in securely closed fire-resisting receptacles or containers.

94. Adequate means to exit shall be provided as prescribed by the District Magistrate and shall be so maintained as to afford the audience safe and speedy egress.

95. Without prejudice to the generality of the provision contained in the immediately preceding rule, no tent, booth or similar structure shall be wed for the purpose of cinematograph exhibition if it is enclosed by a wall or walls which do not permit of adequate means of egress and which are erected within 30 feet of such tent, booth or similar structure.

96. (1) No part of the auditorium shall provide accommodation at a higher scale than 25 persons per 100 sq. feet exclusive of passages, nor shall the total number of seats in the auditorium exceed 400.

(2) The seats in the auditorium shall be so arranged that there is a clear space of not less than one foot between the back of one seat and the front of the seat immediately behind.
(3) The minimum distance between the cinematograph screen and the front row of seats shall not be less than 25 feet.

97. The seating in the auditorium shall be so arranged as not to interfere with free access to exits, and passages and gangways leading to them shall throughout the performance be kept clear of all obstacles.

98. Sufficient privy and urinal accommodation shall be provided separately for the use of males and females within a reasonable distance of the auditorium.

PART V - OPERATORS AND APPRENTICES

99. (1) In the case of premises annually licensed for cinematograph exhibition, the enclosure shall be in charge of at least two qualified operators of not less than eighteen years of age, each holding a certificate granted by Electric Inspector to the effect that he is competent to handle and operate a cinematograph.

(2) In the ease of places temporarily licensed; if there is a single projector, the enclosure shall be in the charge of one operator possessing the qualifications prescribed in sub-rule (1), and if there is a double projector, it shall be in charge of two operators similarly qualified.

100. (1) An operator shall not be granted a certificate under rule 100 unless he:

(a) possesses technical and working knowledge of cinematograph machines and other apparatus attached thereto;

(b) is thoroughly conversant with the rules relating to cinematograph exhibitions and precautions against fire;

(c) is acquainted with the most speedy, and effective methods of dealing with fire;

(d) possesses an adequate knowledge of the elements of electric power, direct and alternating current, voltage superage, etc.; and

(e) is proficient in the hauling, sliding repairing and efficient clearing of films.
(2) The Electric Inspector may subject to the general supervision of the District Magistrate, for reasons to be recorded in writing, withdraw a certificate granted by him to an operator.

(3) The fee for grant of an operator's certificate shall be Rs. 10/- and the fee for obtaining a duplicate copy of the certificate shall be Rs. 2/-.

101. An operator shall remain present in the enclosure and shall devote his whole attention to the cinematograph during the whole time it is being operated.

102. (1) Before the commencement of an exhibition, the operator shall satisfy himself that all cables, leads, connections and resistances, and also the fire extinguishing appliances in the enclosure are in proper working order.

(2) The resistances, if not under constant observation, shall be inspected at least once during each performance; and if a fault is detected, the current shall be immediately switched-off and shall remain switched-off until the fault is removed.

103. An operator shall not allow the film to travel through the machine at a speed greater than one hundred feet a minute in the case of 35 mm films and 40 feet in the case of 16mm films.

104. An apprentice duly authorised by the licence may be allowed within the enclosure; provided he is not less than sixteen years of age and is not permitted to operate the cinematograph except in the presence of a duly qualified operator or operators as the case may be.

105. No person shall operate a cinematograph or be within the enclosure while under the influence of liquor or any other intoxicant.

106. Every person who holds a licence under section 3 of the Act shall furnish the Licensing Authority and the Electric Inspector with the name of every operator employed by him, and whenever any new operator is engaged by him he shall furnish his name and full particulars to the District Magistrate and the Electric Inspector, before he is allowed to commence work.

107. All fees realised under the Act and these rules shall be credited to the Budget and Head "XXIII—Other Taxes and Duties-B-
Receipts for Electricity Duties-2- Receipts payable under the Cinematograph Act and Rules".
FORM A (Rule-5)

NO OBJECTION CERTIFICATE

In exercise of the powers conferred by rule 5 of the Azad Jammu and Kashmir Cinematograph Rules, 1962, I ............................................. District Magistrate/Commissioner of ........................./Secretary to Government, Azad Government of the State of Jammu and Kashmir, Information Department, do hereby grant this certificate to Mr............... Son of............... resident of..........................district.......................... that there is no objection to his locating a permanent cinema in this site/premises belonging to Mr......................................................and situated as follows: -

This "No-Objection Certificate" is valid for a period of two years from the date hereof and if within the said period the proposed cinema is not put up, a fresh "No-Objection Certificate".

Given under my hand this..............................day of.........19..

District Magistrate/Commissioner of................./Secretary to Govt.
of Azad J&K Govt.
Information Department.

________________
FORM - B (Rule 7)

ANNUAL/TEMPORARY LICENCE UNDER SECTION 3 OF THE CINEMATOGRAPH ACT, 1948

The building/place known as (a).............situated at (b)................in this district of (c).........is licensed under section 5 of the Cinematograph Act, 1948, as a place where exhibitions by means of a Cinematograph may be given.

This licence has been granted to (c)..................and shall remain in force until the.........provided that the said (c)..................or any person to whom with the consent of the District Magistrate, this licence is transferred continues to own the cinematograph apparatus used in the said (a)............................

This licence is granted subject to the provisions of the Cinematograph Act, 1918, the rules made thereunder and the conditions set forth in the attached Schedule and is liable to revocations or suspension for breach of any of the said provisions, rules and conditions. A breach of such provisions rules and conditions is punishable under section 6 of the Cinematograph Act, 1918.

The following person/persons has/have been nominated by the licensee under rule 17 of the Azad Jammu and Kashmir Cinematograph Rules, 1971, to be incharge of the licensed premises and the cinematograph apparatus fitted therein:-

1. Mr.........................., son of...................
Resident of.................. District.............

2. Mr.........................., son of...................
Resident of.................. District.............

This licence is not transferable and in case the licensee transfer the same to any person without the written permission of the District Magistrate, the licence shall be liable to immediate revocation.

A fee of Rs..............has been received in respect of this licence.

Given under, my hand and seal, this........ day..............of.............19...........

LICENSING AUTHORITY.
(a) Name of building, etc.

(b) Name of street or mohalla; village or town.

(c) Name of Licensee.

**RENEWALS**

<table>
<thead>
<tr>
<th>Date of renewal</th>
<th>Valid till</th>
<th>Fee paid</th>
<th>Signature of Licensing Authority</th>
</tr>
</thead>
</table>

**SCHEDULE OF CONDITIONS**

1. All rules, bye-laws and regulations, including those relating to buildings, made under the Municipal Administration Ordinance, 1960, or under any other law for the time being in force, for observance at places of public amusement shall be strictly complied with at and in respect of the licensed premises.

2. The licensed building/place shall be maintained in all respects in strict conformity with the provisions contained in the Azad Kashmir Cinematograph Rules, 1962 (save as provided in the Exemption Certificate appended hereto).

   **Note:** The Exemption Certificate shall specify the relaxation granted by Government or the Licensing Authority or the District Magistrate.

3. The following fire-fighting appliances shall at all times be kept at the licensed premises:

   (The District Magistrate will enter here the number of fire-fighting appliances of various kinds which are considered necessary and state where they are to be disposed, vide Rule 47 or 95 as maybe applicable).

4. The number of persons admitted at any one time into any part of the licensed building/place shall not exceed the number specified below against such part (vide Rule 37 or 97, as may be applicable):

   (Here enter particulars or description of the Division or part of the Auditorium).

   (Here enter the maximum number of persons that shall be admitted in the Division or part of the auditorium).
5. The licensee shall not exhibit or permit to be exhibited in the licensed building/place: -

(a) Any film other than a film which has been certified by an authority constituted under section 7 of the Act as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which, when exhibited displays the prescribed mark of the authority and has not been altered or tampered with in any way since such mark was affixed thereto.

(b) Any film which has been certified by an authority constituted under section 7 of the Act as suitable for public exhibition restricted to adults, to any person who is not an adult.

6. The licensee shall not exhibit or permit to be exhibited in the licensed building/place any slide which displays any advertisement, which is of an indecent or obscene nature or the publication of which is prohibited under any law.

7. The licensee shall not supply or permit to be supplied any Polaroid glasses to any person for the purpose of viewing any film unless such glass if already used for such purpose, are sterilised before they are so supplied.

8. The licensee shall not store or permit to be stored inflammable film in quantity exceeding 20 lbs. at the licensed building/place, unless a separate license for the storage of such films has been obtained by him from the competent authority as required by the Cinematograph Film Rules, 1948.

9. No fire work shall be used as adjacent to a Cinematograph exhibition.

10. Save as the District Magistrate may by written order permit, no loud-speaker, gramophone, bend drum, bell, horn, whistle, sirch or musical instrument of any kind shall be employed or allowed to be used as an advertisement or to attract attention in or outside the licensed building/place nor shall any device be employed which is designed or serves to deliver entertainment to persons outside the licensed building/place.

11. (a) No poster, advertisement, sketch, synopsis, or programme of a film which is likely to be injurious to morality or to
encourage or incite crime or to lead to disorder or to offend
the feelings of any section of the public or which contains
offensive representations of living persons shall be
displayed, sold or supplied either in or anywhere outside the
licensed building/place.

(b) Without prejudice to the generality of the foregoing condi-
tions, no photographs, paintings, or pictorial representation
relating to a film shall be displayed in the licensed building/
place or advertised in the press which are of a vulgar;
indecent or immoral character or include the picture of a
naked or indecently dressed female and no advertisement
display or publicity shall be based on a portion or scene of a
film which has been excised by the authority constituted
under section 7 of the Act.

12.  (a) At least 48 hours before any film is exhibited, the licensee
shall supply, in the form of a handbill or otherwise a brief
account of the film to the District Magistrate, together with a
duly attested copy of the certificate granted by an authority
constituted under section 7 of the Act for the exhibition of
the film.

(b) After the exhibition of the film at his cinema has been
completed, the licensee shall immediately supply to the
District Magistrate a statement indicating the exact number
of days for which the film was exhibited and the total
number of performance given.

13.  The licensee shall exhibit at each performance and for such
period as Government may specify such scientific films intended
for educational purposes, films dealing with news and current
affairs and documentary or indigenous films as may be specified,
on payment of such rent as may be fixed by Government:

Provided that the licensee shall not be required to exhibit
films or slides, the exhibition of which will take more than 30
minutes in all; or to exhibit films or slides unless they are
delivered to him at least 2 hours before the performance at which
they are to be shown is due to begin, or where the films or slides
are despatched to him by railway, the railway receipt in respect
of them is received by him at least 72 hours before the
performance at which they are to be shown is due to begin.

14.  The licensee shall not without the written permission of the
District Magistrate, assign, sublet or otherwise transfer the licence, the licensed building/place or the cinematograph, nor shall the licensee without permission as aforesaid, allow any other person during the period of currency of the licence to exhibit films in the licensed building/place.

15. If any accident occurs in the licensed building/place and such accident results in serious personal injury or loss of human life, the licensee immediately report the same to the Officer-in-Charge of the nearest Police Station and shall also immediately notify the District Magistrate and the Electric Inspector of its occurrence by means of an express telegram or by phone. The telegram or telephonic communication should be followed by a written communication giving full details and must be sent within 24 hours of the accident. Pending an inspection or investigation by the competent authority, the licensee shall not interfere with or remove from the scene of the accident any electrical or mechanical apparatus, wiring, furnishing etc; which may have been involved in the accident.

16. The licensee shall not admit to any performance any person whose ticket therefore has been purchased otherwise than from an authorised booking clerk at the licensed building/place or from an agent whose name and place of business have been notified in advance to the District Magistrate and who has been approved by the District Magistrate as a suitable person to be appointed as agent for the sale of tickets. The name and place of business of such agent shall also be duly notified outside the booking office. The licensee shall further ensure that cinema tickets are made available to the public in an orderly manner and at the prescribed rates which shall be prominently displayed outside the booking office.

17. At the end of each performance the licensee shall play the complete tune of the National Anthem with the background of the fluttering of the National Flag. In order to ensure that proper respect is accorded to the National Flag, the audience shall rise in their seats and the doors of auditorium shall remain closed while the National Anthem is being played.

18. No cinematograph exhibition shall be given after 12.30 A.M.
FORM C (RULE 10)

TEMPORARY PERMIT FOR EXHIBITION UNDER THE CINEMATOGRAPH ACT, 1918

WHEREAS...............................................(full name and address) has applied for the renewal of his licence and the said licence has been retained in my office pending disposal of his application he is hereby permitted temporarily to exhibit films in.................................(here enter description of building) under the Cinematograph Act, 1918 for the period of..........................from this date, subject to the provisions of rule 10 of the Azad Jammu and Kashmir Cinematograph Rules, 1962.

A fee of Rs...............has been received in respect of this temporary permit.

The period specified above shall count towards the regular period for which the licence is sought to be renewed.

Given under my hand and seal this.........day of................

___________________________
District Magistrate.
To

All Secretaries to Government,
All Heads of Departments,


Sir,

I am directed to convey the approval of the President, Azad Government of the State of Jammu and Kashmir to the effect that the gratuity table under sub-rule 3(a) of Rule 4.4. of Azad Kashmir Civil Service Pension Rules, 1971 be substituted as under:-

1. If qualifying service is 10 years or more but less than 15 years. Rs. 187.00

If qualifying service is 15 years or more but less than 20 years. Rs. 173.00

If qualifying service is 20 years or more. Rs. 160.00

2. This order will have effect from 1.1.1970 in case of Non-gazetted employees and 1.7.70 in case of Gazetted Government servants.

Your obedient servant,
Sd/- (S. Habeeb Hussain)
Secretary Finance.

To The Commandant, AKRF Centre and Records, Manser camp.

Subject:- Pension Regulation for Officers of AKRF.

Sir,


2. The following amendments are to be made in the above Government Order.

(a) Delete the existing Table under para 15 and substitute the following therefore:-

<table>
<thead>
<tr>
<th>Rank</th>
<th>Service Element of pension per Month.</th>
<th>Maximum Special Addi-</th>
<th>Total maximum pension admissible per month.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cap &amp; Below</td>
<td>462</td>
<td>50</td>
<td>512</td>
</tr>
<tr>
<td>Major</td>
<td>514</td>
<td>100</td>
<td>614</td>
</tr>
<tr>
<td>Lt. Col.</td>
<td>572</td>
<td>150</td>
<td>722</td>
</tr>
<tr>
<td>Col.</td>
<td>665</td>
<td>150</td>
<td>815</td>
</tr>
<tr>
<td>Brig.</td>
<td>694</td>
<td>200</td>
<td>894</td>
</tr>
<tr>
<td>Maj. Gen.</td>
<td>793</td>
<td>275</td>
<td>1068</td>
</tr>
</tbody>
</table>

(b) Delete the existing para 15-A and substitute the following therefore:-

"a. This element will be admissible at the following rates for completed year of effective service for the various ranks:-

Capt. Rs. 16, Major Rs. 33, Lt. Col. Rs. 50, Col. Rs. 50, Brig. Rs. 66, Maj Gen. Rs. 91.

The maximum set out under the table given in para 15
will be admissible on completion of 3 years effective service in the rank."

3. The above rationalization will be deemed to have amended the original Government Order, but arrears if any would be payable from 1st, July 1970. Funds to meet the expenditure shall be arranged by the Defence Department from within the sanctioned budget without soliciting any increase in the Budget Estimates for 1971-72.

Sd/-
(M. Hassan Khan)
Secretary Defence.

No. 135/39/DS/72 Dated 2.2.72.
THE AZAD JAMMU AND KASHMIR GOVERNMENT, LAW
AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD

Muzaffarabad,

No. 367/SL/73. The following Act of the Legislative Assembly received the assent of the President Azad Government of the State of Jammu and Kashmir, and is hereby published for general information.

(Act III of 1973)

An Act to amend the Azad Jammu and Kashmir Forest Regulation No. 2 of 1930.

Whereas it is expedient to amend the Azad Jammu and Kashmir Forest Regulation, 1930 (Regulation No. 2 of 1930).

It is hereby enacted as follows: -


(2) It shall come into force at once.

2. **Amendment of Section 6 of Regulation No. 2 of 1930:-** In Section 6 of the Jammu and Kashmir Forest Regulation No. 2 of 1930, the words 'Shall be punished with imprisonment of either description for a term which may extend to one month or with fine not exceeding one hundred rupees or with both in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid', shall be substituted by words shall be punished with imprisonment of either description for a term which may extend to three months or with fine not exceeding rupees three hundred or with both, in addition to the compensation for the damage so done at the following rates:-

(i) For trees from concessionists at zamindari rate;

(ii) For trees from non-concessionists, price at commercial rate
and compensation of value of damage at the same rate;

(iii) For other damages, the compensation be determined by the convicting Court.

3. Amendment of Section 13 of Regulation No. 2 of 1930:- In Section 13 of the Jammu and Kashmir Forest Regulation No.2 of 1930, the words 'shall be punished with imprisonment of either description or a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid' shall be substituted by words 'shall be punished with imprisonment of either description for a term which may extend to three months or with fine not exceeding rupees three hundred or with both, in addition to the compensation for damage so done at the following rates:-

(i) For trees from concessionists, at zamindari rate;

(ii) For trees from non-concessionists, price at commercial rate and compensation of value of damage at the same rate;

(iii) For other damages, the compensation be determined by the convicting Court.'

4. Amendment of Section 16 of Regulation No. 2 of 1930:- In the said Regulation in Section 16 the words 'or fine which may extend to five hundred rupees or both the words 'and fine which shall be double the market rate provided that the determination of the market rate shall be made by an officer not below the rank of Divisional Forest Officer' shall be substituted.

5. Amendment of Section 26 of Regulation No. 2 of 1930.- In the said Regulation in Section 26 the words 'and' after the word 'carts' shall be substituted by a 'comma' and the words 'and vehicle' shall be inserted after the word 'cattle'.

6. Amendment of Section 28 of Regulation No. 2 of 1930:- In the said Regulation in Section 28 the words 'and' after the 'and vehicle' shall be inserted after the word 'cattle'.

7. Amendment of Sub-section (3) of Section 38 of Regulation No. 2 of 1930:- In the said Regulation in sub-section (3) of Section 38, the words 'shall in no case exceed the sum of fifty rupees and where the case is compounded by a Forest Officer of
the rank of Ranger, shall in no case exceed the sum of twenty five rupees'.

Sd/
(Malik Mohammad Aslam Khan)
Secretary Law
Azad Government of the State of J&K.

________________
LEGISLATIVE ASSEMBLY OF AZAD JAMMU AND KASHMIR

Muzaffarabad,

No. 1814/LA/73. The following Act of the Legislative Assembly received the assent of the President and is hereby published for general information:-

THE AZAD JAMMU AND KASHMIR PROHIBITION OF THE USE OF INTOXICANTS (KHAMAR) ACT, 1973

An Act to prohibit the use of intoxicants (khamar) and to bring the laws in conformity with the basic tenets of Islam;

Whereas it is expedient to prohibit the use of intoxicants (khamar) and bring the law in conformity with the basic tenants of Islam as provided in Azad Jammu and Kashmir Government (Amendment) Act, 1971;

It is hereby enacted as follows: -


   (2) It extends to the whole of Azad Jammu and Kashmir and applied to:

   (a) all Muslims so far as Section 5 is concerned ; and

   (b) all Muslims and Non-Muslims so far as Section 6 is concerned.

   (3) It shall come into force at once.

2. Definitions:- In this Act, unless there is anything repugnant in the subject or context:-

   (1) 'Government' means the Azad Government of the State of Jammu and Kashmir;

   (2) 'intoxicating drugs' means:

      (i) the leaves, small stalks and flowering or fruiting of the hemp
plant including all forms known as bhang, siddhi or ganja;

(ii) charas, that is, the resin obtained from the hemp plant which has been submitted to any manipulations other than those necessary for packing and transport;

(iii) any mixture, with or without natural materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom; and

(iv) any other intoxicating or narcotic substance which the Government may, by notification, declare to be an intoxicating drug.

(3) 'liquor' means intoxicating liquor, and includes all liquid consisting of or containing alcohol; also any substance which the Government may, by notification, declare to be liquor for the purpose of this Act.

(4) 'intoxicants' includes intoxicating drugs and liquor.

3. Use of intoxicants:- Notwithstanding anything contained in any law for the time being in force, no Muslim shall use any quantity of intoxicant.

Explanation:- Subject to the exceptions given below, a person is said to use the intoxicants -

(i) if he drinks, takes by mouth or smokes or otherwise uses the intoxicants; or

(ii) if his breath, smells of intoxicant; or

(iii) if he himself confesses to having used the intoxicant; or

(iv) if he is found in a state of intoxication.

The use of intoxicant mentioned in, (i), (ii), and (iv) above must be proved by the testimony of not less than two male Muslim witnesses.

Explanation:- A duly registered Medical practitioner administering the intoxicants for medical purposes, will not be liable under the provisions of this Act.
4. **Import, export, transport, manufacture, possession and sale:**- No one shall import, export, transport, manufacture, possess or sell any quantity of intoxicants.

5. **Penalty for using liquor:**- Notwithstanding anything contained in any other law for the time being in force, whosoever uses liquor shall be punished with whipping, ranging from 40 to 80 stripes.

6. **Penalty for using intoxicating drug or for contravention of Section 4:**- Notwithstanding anything contained in any other law for the time being in force, whoever, uses intoxicating drug or contravenes the provisions of Section 4 of this Act, shall be punished with simple or rigorous imprisonment for a term which may extend to three years or with fine which may extend to three thousand rupees or with both.

7. **Abetment of offence punishable under this Act:**- Whoever, abets any offence punishable under this Act, shall be liable to punishment provided for the offence.

8. **Jurisdiction to try offence:**- No Magistrate shall try an offence under this Act unless he is a Magistrate as First Class empowered under Section 30 of Criminal Procedure Code or a Magistrate or Qazi specially empowered by the Government.

9. **Procedure:**- Notwithstanding anything contained to the contrary in the Criminal Procedure Code or any other law for the time being in force all offences under this Act shall be cognizable and non-bailable.

10. **Power to make rules:**- The Government may make rules for carrying out the purposes of this Act.

11. **Repeal:**- The Alcoholic Drinks Prohibition Act of 1948 is hereby repealed.

Sd/-
Ashfaq Ahmed Khan
Secretary,
Legislative Assembly of Azad J&K.
THE PAKISTAN ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) ACT, 1973


Whereas doubts have arisen, about the interpretation and the definition of 'evacuee' and 'evacuee property' as contained in Section 2 of the Pakistan Administration of Evacuee property Act, 1957, about the status of a person leaving Azad Jammu and Kashmir Territory for Pakistan or residing in Pakistan after the war of Liberation of 1947;

And whereas it is expedient to remove such doubts in order to save such person from being treated as evacuee and his property as evacuee property:

It is hereby, enacted as follows:

1. **Short title, extent and commencement:**
   (1) This Act may be called the Pakistan Administration of Evacuee Property (Amendment) Act, 1973.
   
   (2) It shall come into force at once.
   
   (3) It shall extend to the whole of Azad Jammu and Kashmir Territory.

2. **Amendment of section 2 Act XII of 1957:**
   In the Pakistan Administration of Evacuee Property Act, 1957, as adapted in Azad Jammu and Kashmir, hereinafter called the said Act, after clause (e) of sub-section (2) of section 2 the following new clause (f) shall be added:

   "(f) Notwithstanding anything contained in section 2 a person is not an evacuee who has left Azad Jammu and Kashmir territory for Pakistan and is residing or has settled at any place in Pakistan..."
3. **Addition of sub-section (6-A) after sub-section (6) of section 43:** After sub-section (6) of section 43 of the said Act, the following sub-section (6-A), shall be added, namely:-

"(6-A) The Custodian or Additional Custodian on application made to him in this behalf at any time or of his own motion after giving notice to the parties concerned may review his own order or judgment passed by his predecessor-in-office so as to bring the order or judgment in conformity with amendment made in Section 2 of the said Act and the purpose for which it has been made:

Provided that while reviewing such orders if a refugee is in possession of the evacuee land duly allotted to him he shall not be dispossessed therefrom unless compensation has been paid to him or he has been provided with alternate land by the Government."

4. The amendment in section 2 and section 43 shall be deemed to have been in force since the date of coming into force of the Pakistan Administration of Evacuee Property Act, 1957;

Sd/-
(Ashfaq Ahmed Khan)
Secretary,
LEGISLATIVE ASSEMBLY OF AZAD JAMMU & KASHMIR

MUZAFFARABAD

No. 1816/LA/73. The following Act of the Legislative Assembly received the assent of the President and is hereby published for general information: -

THE AZAD JAMMU AND KASHMIR CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1973

(Act IV of 1973)


Whereas it is expedient to amend the Code of Civil Procedure 1908 for the purpose hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement.**-(1) This Act may be called the Azad Jammu and Kashmir Code of Civil Procedure (Amendment) Act, 1973,

    (2) It shall come into force at once.

2. **Substitution of Section 80 (Act V of 1908).**- In the said Code for Section 80 the Following shall be substituted, namely:-

"80. (1) A suit may be instituted against Government or against a public officer, in respect of any act purporting to be done by such public officer in his official capacity, after the expiration of two months next after notice in writing has been delivered to or left at the office of:-

(a) in the case of a suit against the Government, a Secretary to the Government;

(b) in the case of public officer, delivered to him or left at his office;

stating the cause of action, the name, description of place of residence of the plaintiff and the relief which he claims; and the
plaint shall contain a statement that such notice has been so delivered or left.

(2) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of two months or where the plaint does not contain a statement that such notice has been so delivered or left, the plaintiff shall not be entitled to any costs if settlement as regards the subject-matter of the suit is reached or the Government or the public officer concedes the plaintiff's claim, within the period of two months from the date of the institution of the suit:

Provided that in a suit instituted without such notice, the Court shall allow not less than three months to the Government to submit its written statement."
THE AZAD KASHMIR INCOME TAX (AMENDMENT) ACT,
1973

Muzaffarabad,

No. 1867/SL/73. The following Act of the Legislative assembly received the assent of the President and is hereby published for general information: -


Whereas it is expedient to amend the Azad Kashmir Income Tax Act with a view to removing any distinction in charging Income Tax from pensioners living in Azad Kashmir and those living in Pakistan, it is hereby enacted as follows: -

1. **Title, extent and enforcement:**
   - (1) This Act may be called the Azad Kashmir income Tax (Amendment) Act, 1973.
   - (2) It shall extend throughout Azad Kashmir.
   - (3) It shall come into force at once and shall be deemed to have been in force from the date of promulgation of the Act.

2. In Section 4 clause (xiii) of the Azad Kashmir Income Tax Act, a semi colon shall be put after the words "sixty years of age" and the remaining portion of the sentence shall be deleted.

______________
THE AZAD JAMMU AND KASHMIR FINANCE (AMENDMENT) ACT, 1973

Muzaffarabad, date the July 23, 1973.

No. 1868/SL/73. The following Act of the Legislative Assembly received the assent of the President and is hereby published for general information:-


Preamble.

Whereas it is expedient to provide legislation for the levy of education cess on the amount of income tax, Import Licences, Registration of Property, Vehicular Transport, Passports, Arms Licences, Cinema tickets, Medical Certificates and timber etc; for the purposes of meeting expenditure on expansion, improvement and administration of educational institutions;

It is hereby enacted as follows:-

1. **Short title and commencement:** (1) This Act may be called the Azad Jammu and Kashmir Finance (Amendment) Act, 1973.

   (2) It shall come into force at once and shall be deemed to have taken effect from the thirty first day of October, 1972.

2. **Amendment of Section 2 of Azad Jammu and Kashmir Finance Act, 1971.** In Section 2 (a) (i) of the said Act, the figures '25' after the word 'paisas' shall be substituted by the figures '50'.


"2-A. **Cess on Income-Tax:** There shall be levied education cess on the following items at the rates specified below:-

   (1) 5% on the amount of income tax/Super tax Corporation Tax assessed, to be paid by the assessee excepting
Government employees of autonomous and Semi-Government bodies;

(2) 5 rupees per Trial Register No. issued under Income Tax Rules made under Income Tax Act, 1922;

2-B. In respect of transfer and registration of property, the education cess shall be levied at the rates given below:-

(1) When the amount or value of the property does not exceed Rs. 10,000/- Rs. 20.00

(2) When the value of the property exceeds Rs. 10,000/- and does not exceed Rs. 50,000/-.
   (a) on Rs. 10,000/- .......As above.
   (b) on remainder at the rate of 3 rupees per thousand.

(3) When the value of the property exceeds Rs. 50,000/-
   (a) on Rs. 50,000/- ....... Rs. 140/-
   (b) on the remainder at the rate of 4 rupees per thousand.

2-C. In case of vehicular transport, the education cess shall be levied at the rates given below:-

(1) In case of private car.........One rupee per quarter.

(2) In case of light vehicle.......Two rupees per quarter.

(3) In case of heavy vehicle......Five rupees per quarter.

(4) On registration of vehicles...Five rupees per vehicle.

2-D. **Passport:**- There shall be levied Rs. 25/- as education cess per passport for issue, and for renewal.

2-E. **Arms:**- The education cess on issue/renewal of Arms Licences shall be charged at the rates specified below: -

   In case of all arms excluding pistol, revolver and muzzle loading at the rate of Rs. 5/- per licence.
2-F. **Cinema Tickets:** In case of Cinema tickets rates of education cess payable shall be as under:

1. First Class & Gallery........25 paisa per ticket.
2. Second Class ...............10 paisas per ticket.
3. Third Class .................5 paisas per ticket.

2-G. In case of Medical Certificates issued by Medical Officers in connection with the Journeys abroad, there shall be charged education cess at the Rate of Rs. 10/- per certificate.

2-H. In case of Government employees, the education cess shall be levied as under:

1. All Class I Government Officers… 1 Rupee per centum of their salary per month
2. All other Government servants except class IV employees. … ½ rupee per centum of their salary per month
3. All other persons drawing … 1 Rupee per centum of their salary or honorarium from the Government exchequer

2-I. All employees of autonomous and semi-Government bodies in Azad Kashmir. The same as in section 2-H, above.”
THE AZAD JAMMU & KASHMIR PREVENTION OF GAMBLING (MAISIR) ACT, 1973

An Act to prevent the gambling (Maisir) and to bring the law in conformity with the basic tenets of Islam.

Whereas it is expedient to prevent the gambling (Maisir) and to bring the law in conformity with the basic tenets of Islam;

It is hereby enacted as follows:

1. **Short title, extent and commencement:**
   (1) This Act may be called the Azad Jammu and Kashmir prevention of Gambling (Maisir) Act, 1973.
   (2) It shall extend to the whole of Azad Jammu and Kashmir.
   (3) It shall come into force at once.

2. **Definitions:**
   In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

   a) 'common gaming-house', means any house or room or tent or enclosure or vehicle or vessel club or any place whatsoever in which any instruments of gaming are kept or used for gaming purposes:

      (i) with a view to the profit or gain of any person owning, occupying, or keeping such house, room, tent, enclosure, vehicle, club or place, whether by way of charge for the use of such house, room, tent, enclosure, vehicle, vessel, club or place or instruments or otherwise howsoever;
(ii) with or without a view to such profit or gain, if the

gaming for the purpose of which such instruments are so

kept or used, is gaming on any figures or numbers or
dates to be subsequently ascertained or disclosed, or
non-occurrence of any natural event;

b) 'gaming' includes wagering or betting and any game of cards
in which players win or lose money;

c) 'Government' means the Azad Government of the State of
Jammu and Kashmir;

d) 'instruments of gaming' includes any article used of intended
to be used as a means or appurtenance of, or for the purpose
of carrying on or facilitating gaming' and any document used
as a register or record or evidence of any gaming;

e) 'prescribed' means prescribed by rules made under this Act.

3. **Penalty for owning or keeping or having charge of a common
gaming-houses:**-(1) Whoever:

(a) being the owner or occupier or having the use of any house,
room tent, enclosure, vehicle, vessel, club or place keeps or
uses, or knowingly or willfully permits the same to be occu-
pied, kept or used by any other person as a common gaming-
house; and

(b) has the care or management of, or in any manner assists in
conducting the business of any common gaming-house; or

(c) advances or furnishes money for the purpose of gaming with
persons frequenting any common gaming-house shall be
punished with imprisonment which may extend to one year,
or with fine which may extent to one thousand rupees or
with both:

Provided that such imprisonment shall not be less than
three months and fine shall not be less than rupees three
hundred.

(2) In a prosecution under the last preceding sub-section, it shall
not be necessary to prove that the person found playing was

playing for any money, wager or stake.

4. **Penalty for being found in common gaming-house:**-(1)
Whoever if found in any common gaming-house playing or gaming with cards, dice, counters, money, or other instruments of gaming, or for the purpose of gaming, whether for any money, wager, stake or otherwise, shall be punished with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) Any person found in any common gaming-house during any gaming or playing therein shall be presumed until the contrary be proved, to have been there for the purpose of gaming.

5. **Penalty for gaming:** Whoever is found gaming in any place, public or private, street or thoroughfare, shall be punished with rigorous imprisonment which may extend to two years or with fine which may extend to two thousand rupees, or with both.

6. **Power to enter and authorise Police to enter and search:** If a District Magistrate, Sub-Divisional Magistrate, Magistrate of First Class or District Superintendent of Police, upon information and after such inquiry as he thinks necessary, has reason to believe that an offence under Section 5 is being committed at or in any place, he may either himself, or when he is a Magistrate, by warrant, authorise any Police Officer not below the rank of Sub-Inspector of Police to:

(a) enter such place at any time with such assistance as may be required, and by force if necessary: Provided that if such place is in the actual occupancy of a woman who according to the custom of the country does not appear in public, the officer so entering such place shall give notice to her that she is at liberty to withdraw, and, after allowing a reasonable time for her to withdraw and giving her reasonable facility for withdrawing, may enter the place;

(b) Search such place for any instruments of gaming kept or concealed therein, and also the person of all those who were found in that place except the women;

(c) seize and take possession of gaming moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purposes of gaming, which are found therein or upon any person there in present;
(d) take into custody all persons, except women, found therein whether or not then actually gaming.

7. **Enhanced punishment for subsequent of fences**:- Whoever, having been convicted of any offence under this Act, again commits Any offence under this Act shall be punished for every such subsequent offence with imprisonment which may extend to three years, or with fine which may extend to three thousand rupees, or with both.

8. **Presumption with respect to common gaming-house and persons therein present**:- When any cards, dice, gaming-tables, baming-boards or other instruments of gaming are found in any house, room, tent, enclosure, vehicle, vessel, club or place, entered or searched under the provisions of the last preceding section, or about any person found therein, it shall be evidence, until the contrary is made to appear, that such house, room, tent, enclosure, vehicle, vessel, club or place is used as a common gaming-house and that any person found therein was there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police Officer, or any of his assistants.

9. **Powers of Police Officers**:- A Police Officer may:

(a) arrest without warrant any person committing an offence under Section 5 ;

(b) search any person so as to seize instruments of gaming used for committing an offence under Section 5; and

(c) seize all instruments of gaming and moneys etc, used for the purpose of or in connection with the committing an offence under Section 5.

10. **Jurisdiction to try offence**:- No Magistrate shall try an offence under this Act unless he is a Magistrate First Class empowered under Section 30 of Criminal Procedure Code or a Magistrate or a Qazi specially empowered by the Government.

11. **Procedure**:- Notwithstanding anything contained to the contrary in Criminal Procedure Code or any other law for the time being in force all offences under this Act shall be cognizable and non-bailable.

12. **Power to make rules**:- The Government may make rules for
carrying out the purposes of this Act.

13. **Repeal:** The Public Gambling Act, 1867 is hereby repealed.

Sd/- (Ashfaq Ahmed Khan)
Secretary
No. /LA/73. The following Act of the Legislative Assembly received the assent of the President and is hereby published for general information:-

THE AZAD JAMMU AND KASHMIR FINANCE ACT, 1973


Preamble.

WHEREAS it is expedient to make provisions to give effect to the financial proposals of the Azad Government of the State of Jammu and Kashmir, and to amend certain laws for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short Title Extent and Commencement:**-(1) This Act may be called the Azad Jammu and Kashmir Finance Act, 1973.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) This Act, shall consist of Part "A" and Part "B". Part "A" shall come into force at once and shall be deemed to have taken effect from the first day of July, 1972, and Part "B" shall come into force with immediate effect, and all Orders, Notifications made in consistent with the provisions of this Act shall be deemed to have been made under this Act and shall continue in force.

**PART "A"

The following amendments shall be made in the Income Tax Act, 1922 (XI of 1922), namely:-

1. in section 2:
   (a) in clause (4A) in sub-clause (i), after the word "stock-in trade", the brackets and words "(not being stocks and shares)", shall be inserted; and
(b) after clause (6A), the following clause shall be inserted namely: -

(6AA) "earned income" means any income of an assesse who is an individual, Hindu undivided family, unregistered firm or other association of person not being a company a local authority, a registered firm or a firm treated as registered under clause (b) of sub-section (5) of section 23.

(a) which is chargeable under the head "salaries"; or

(b) which is chargeable under the head "Profits and gains of business, profession or vocation is carried on by the assesse or, in the case of a firm where the assesse is a partner actively engaged in the conduct of the business, profession or vocation; or

(c) which is chargeable under the head "other sources" if it is immediately derived from personal exertion or represents a Pension or superannuation of other allowance given to the assesse in respect of his past services or the past services of any deceased person; and includes any such income which, though it is the income of another person, is included in the assesse's income under the provisions of the Act, but does not include any such income which is exempt from under sub-section (2) of section 14 or under a notification issued under section 60, or, in the case of an employee participating in a provident fund recognized under section 58B, the interest credited to his account.

2. In section 3B, in sub-section (1), for the words and commas "of the previous year or the previous years, as the case may be, of every person" the-words and comma "or any part thereof or any income or class of income of the previous year or years of every person or any class of persons, as may be specified in the said Act";

3. In section 4;

(a) in sub-section (2B):
(i) for the words "financial" twice occurring, the word "previous" shall be substituted; and

(ii) after the words "source of income" the words, brackets, figures and letter "nor shown in any statement furnished by him under sub-section (4A), of section 22" shall be inserted;

(b) after sub-section (2B), the following sub-sections shall be inserted namely:

"(2C) Where the assessee is found in respect of any previous year to be the owner of any money or any valuable article and such money or valuable article is not recorded in the books of account, if any, maintained by him nor shown by him in any statement furnished under sub-section (4A) of section 22, and the assessee offers no explanation about the nature and source of acquisition of the money or valuable article, or the explanation offered by him is not, in the opinion of the Income Tax Officer 'satisfactory' the money and the value of the Article may, with the prior approval of the inspecting Assistant Commissioner, be deemed to be the income of the assessee for such previous year.

(2D) Where the assessee has made investments in any previous year or is found in respect of any previous year to be the owner of any valuable article and the Income Tax Officer finds that the amount expended on making such investments or in acquiring such valuable article exceeds the amount recorded in this behalf in the books of account maintained by the assessee or shown in any statement furnished by him under sub-section (4A) of section 22, and the assessee offers no explanation about such excess amount, for the explanation offered by him is not, in the opinion of the Income Tax Officer, satisfactory, the excess amount may, with the prior approval of the inspecting Assistant Commissioner be deemed to be the income of the assessee for such previous year.

(2E) Where an assessee has, during any previous year, incurred any expenditure and he offers no explanation about the nature of source of the money from which the expenditure was met, or the explanation offered by him
is not in the opinion of the Income-Tax Officer, satisfactory, the amount of the expenditure may, with the prior approval of the Inspecting Assistant Commissioner, be deemed to be the income of the assessee of such previous year.

(2F) Where the value of any investment or article referred to in sub-section (2B), or (2D) or the amount of the expenditure referred to in sub-section (2E) in the opinion of the Income-Tax Officer, too low, the Income-Tax Officer may, with the prior approval of the Inspecting Assistant Commissioner and after giving the assessee a reasonable opportunity of being heard, determine the reasonable value of the amount thereof, as the case may be and the provision of the said sub-section shall have effect accordingly".

c) In sub-section (3):-

(i) in clause (xii),

(aa) in sub-clause (c), for the semi-colon at the end, a colon shall be substituted and thereafter, the following further proviso shall be added, namely: -

"Provided further that as respects any year of assessment beginning on or after the first day of July, 1972 the exemption under this sub-clause shall not be allowed in respect of more than one such building,"

(bb) in sub-clause (d), for the semi-colon at the end, a colon shall be substituted and thereafter, the following further proviso shall be added namely:-

"Provided further that as respects any year of assessment beginning on or after the first day of July, 1972, this sub-clause shall have effect as if for paragraph (ii) and the proviso the following paragraph and proviso was substituted, namely:-

(ii) in a case where the annual value of such building exceeds six thousand rupees. NIL:

"Provided that the exemption under this sub-clause shall not be allowed in respect of more than one such building."
in sub-clause (e), for the full stop at the end, a colon shall be substituted and thereafter, the following further proviso shall be added namely: -

Provided further that as respects any year of assessment beginning on or after the first day of July, 1972, this sub-clause shall have effect as if for paragraph (ii) and the proviso the following paragraph and the proviso were substituted, namely:-

"(ii) in a case where the annual value of such building exceeds six thousand rupees. Nil

Provided that the exemption under this sub-clause shall not be allowed in respect of more than one such building".

for clause (xv) the following shall be substituted namely: -

"(XV) any income from dividends received by an assessee (other than a company), subject to the following limits, namely: -

(1) in respect of dividend income received from the National Investment (Unit) Trust or any mutual Fund established by the Investment Corporation of Pakistan or both: -

(a) Where such dividend income does not exceed two thousand rupees. The whole of such income.

(b) Where such dividend income exceeds two thousand rupees. Two thousand rupees.

(2) in respect of dividend income received from any other company:

(a) Where such dividend income does not exceed two thousand rupees. The whole of such income.

(b) Where such dividend income exceeds two thousand rupees. Two thousand rupees.

Explanation, For the purposes of this clause, "dividend income" means the income from:

i) dividends which are declared by a company registered under the companies Act, 1913, or a
company formed by or under any law for the time being in force, having in either case its registered office in Azad Jammu and Kashmir; or

ii) any distribution of profits made by the National Investment (Unit) Trust to the Unit holders; or

iii) any distribution to Certificate holders by the investment corporation of Pakistan out of the Income of a mutual fund established by it, but does not include the dividend referred to in sub-section (4) of section 14 or distribution referred to in sub-section (5) of that section.

(e) after clause (xvii), the following new clause shall be added namely:-

"(xix) the employer's contribution to the account of an assessee participating in a provident fund recognized under section 58B;";

4. in section 7, in sub-section (1):-

(i) in the second proviso for the brackets, figure and letter "(3A)", the brackets and figure "(3)" shall be substituted; and

(ii) the forth proviso shall be omitted;

5. "in section 10:-(

(a) in sub-section (2A), for the words/brackets and figures "the previous year immediately following the expiry of the three years referred to in clause (iii) "the words, commas, brackets and figures" any previous year commencing after the expiry of the three years referred to in clause (iii), and the business, profession or vocation from the profits and gains of which such allowance or deduction was made shall, for the purposes of sub-section (1) be deemed to be carried on by the assessee in the previous years in which such profits or gains are deemed to have accrued or arisen under this sub-section" shall be substituted and shall be deemed always to have been so substituted.

(b) after sub-section (3B), the following sub-section shall be inserted, namely:-
"(3BB) where an assessee has acquired any plant or machinery from a country outside Azad Jammu and Kashmir for installation in Azad Jammu and Kashmir and, in consequence of any change in the rate of exchange at any time before full and final repayment of foreign loan taken for the purpose of acquiring such plant or machinery is made, there is any increase in the currency, in respect of the repayment of the loan, the written down value of such plant and machinery shall be increased by the amount by which the said liability has increased.

Explanation:- In this sub-section,-

(a) "rate of exchange" means rate of exchange determined or recognized by the Government for the conversion of Pakistan currency into foreign currency or foreign currency into Pakistan currency;

(b) "foreign loan" means a loan in foreign currency taken or the purpose of making payment in the said currency for the acquisition of any plant or machinery from outside Azad Jammu and Kashmir for installation in Azad Jammu and Kashmir; and

(c) "foreign currency" and "Pakistan currency" shall have the same meaning as in the Foreign Exchange Regulation Act, 1947 (VII of 1947)

6. in section 13B, in sub-section (3), for the words "third proviso" the words "first proviso" shall be substituted;

7. in section 12A, in sub-section (1) and (2), after the figure "1961", the commas, words and figures", or an industrial accountant within the meaning of the Cost and Industrial Accountants Act, 1966" shall inserted;

8. in section 15:-

(a) in sub-section (3):-

(i) for the words "twenty" the word "thirty" shall be substituted; and
(ii) for the words "ten thousand" the words "twenty thousand" shall be substituted;

(b) after sub-section (4), the following sub-section shall be added, namely:-

"(5) Where any insurance policy to which sub-section (1) or sub-section (2) applies lapses or is surrendered or paid up within thirty-six months of the date on which it became effective, then notwithstanding anything contained in this Act, an additional tax equal to the relief in tax obtained by the assessee in respect of such policy shall be payable by him in respect of the previous year in which such policy lapses or is surrendered or paid up; and where no other tax is payable by the assessee in respect of the said previous year, the additional tax payable under this sub-section shall be deemed to be the tax payable in respect of that previous year".

9. for section 15 A the following shall be substituted namely:-

'15-A. Exemption of portion of earned income:- The tax shall not be payable by an assessee in respect of such portion, if any of the earned income as does not exceed two thousand and five hundred rupees where such total income consists of or includes any income chargeable under the head "Salaries" and one thousand rupees in other cases'';

10. in section 15AA:-

(a) in sub-section 9(1), for the words, brackets, figures, letter and comma "sub-section (3), sub-section (3A) and subsection (4)" the words, brackets and figures "sub-section (3) and (4)" shall be substituted;

(b) after sub-section (3), the following sub-section shall be added namely:-

"(4) Where any Unit Trust Certificate to which sub-section (1) applies and in respect of which any relief in tax has been allowed to the assessee is disposed of within fifteen months of the date of its purchase, then, notwithstanding anything contained in this Act, an additional tax equal to the relief in tax allowed to the assessee in respect of such Certificate shall be payable, by him in respect of the previous year in which such certificate was disposed of,
and, where, no other tax is payable by assessee in respect
of the said previous year, the additional tax payable
under this sub-section shall be deemed to be the tax
payable in respect of the that previous year”;

11. In section 15CC, for the words, brackets, figures, comma and
letter -"sub-section (3), (3A) and (4)" the words, brackets and
figures "sub-section (3) and (4)" shall be substituted;

12. In section 15D, in sub-section (2), for the words "shall not
exceed twenty percent of the total income of the assessee" the
following shall be substituted, namely:-

"shall not exceed:

(a) in the case of a company, five per cent of the total income of
the assessee or two lac rupees, whichever is the less; and

(b) in any other case, ten per cent of the total income of the
assessee or one lac rupees, whichever is the less”;

13. Section 15E shall be omitted ;

14. In section 15F, for the words, brackets, figures, comma and letter
sub-section (3), sub-section (3A) and sub-section (4)" the words,
brackets and figures "sub-section (3) and (4)" shall be
substituted;

15. in section 15H, for the words "one thousand rupees" the
following shall be substituted, namely:-

"three thousand rupees where such total income consists of or
includes any income chargeable under the head "Salaries" and
two thousand rupees in other cases;

Provided that this section shall not apply in the case of an
assesee whose total income exceeds fifty thousand rupees”;

16. in section 16, in sub-section (1), in clause (a):-

(a) for the words and comma "first, third and fourth proviso" the
words "first and third provisos" shall be substituted; and

(b) the comma, word, figure and letter, "section 15 E" shall be
omitted;"
17. in section 18:-
   (a) in sub-section (5), the words and brackets "or any holder of bearer Certificates of the National Investment (Unit) Trust" shall be omitted;
   (b) in sub-section (9), for the brackets, figures, letters, comma and words "(3BB), (3C) or (3E)" the brackets, figures, letters and word "(3BB) or (3C)" shall be substituted;

18. in section 17A, in sub-section (l), for the brackets, figures, letters, comma and word "(3BB), (3C) or (3E)" the brackets, figures, letters and word "(3BB) or (3C)" shall be substituted;

19. in section 23, in sub-section (4):-
   (a) for the words, brackets, and figures "required by any notice given under sub-section (2) of section 22" the words, bracket and figures "either under sub-section (l) or section 22 or in compliance with a notice given under or sub-section (2) of that section" shall be substituted; and
   (b) in the proviso after the word "provided", the word "further" shall be inserted and before the proviso as so amended the following proviso shall be inserted, namely: -

   Provided that where a person has failed to make a return under sub-section (l) of section 22, no assessment under this sub-section shall be made unless he has already been assessed to tax under this Act for at least one assessment year prior to the assessment year in respect of which he has failed to make the return; 

20. section 23A shall be omitted;

21. in section 28, in sub-section (1A):-
   (a) after the words "two and a half times" the commas and words "but in no case less than," shall be inserted;
   (b) in the Explanation:-
   (i) after the words "this sub-section" the words, brackets and figures "and sub-section (2) of Section 51" shall be inserted; and
(ii) after the words "expenditure" at the end, the following shall be added, namely:

"and any act of commission or commission necessitating the application of the provisions of sub-section (2A), (2B), (2C), (2D), (2E) and (2F) of section 4";

23. in section 30:-
(a) in sub-section (1), after the words "under any of those sections", the words, figures and letter "or objecting to any order passed by an Inspecting Assistant Commissioner under section 34A" shall be inserted; and
(b) in sub-section (2); for the word, figure and comma "section 48" the words, figures, letter and comma "section 34A, 48" shall be substituted;

24. in section 38A, in sub-section (2):-
(a) the words "the Income-Tax Officer" shall be omitted;
(b) after the word: "enter" the words "and search" shall be inserted;

25. after section 38A, amended as aforesaid, the following section shall be inserted, namely:

"3BB. **Power of survey:**- Notwithstanding anything contained in any other provision of this Act, an Inspecting Assistant Commissioner, an Income-Tax Officer or an Inspector of Income Tax authorised by either of them in this behalf may enter any place within the limits of the area assigned to him in which a person carries on his business, profession or vocation, and may:

(a) inspect any accounts or documents found in such place;
(b) stamp such accounts or documents or make or cause to be made extract or copies therefrom;
(c) make note of stocks or other articles or things found in such place; and
(d) make such inquiries as he may deem necessary and relevant to the determination of the liability of such person to tax";
26. in section 51, in sub-section (2), for the words "which may extend to five years" the words "for a term which may extend to five years but shall not be less than three months" shall be substituted;

27. in section 54, in sub-section (3), in clause (k), for the words, commas and figures "Sea Customs Act, 1878, the Land Customs Act, 1924" the words, comma and figure "Customs Act, 1969" shall be substituted;

28. in section 58E, after the words "annual accretion", the brackets and words ",(excluding the employer's contribution)" shall be inserted;

29. in section 58F, in sub-section (1):-

(a) after the words "on contribution", the brackets and words "(not being employer's contributions)" shall be inserted; and

(b) for the brackets, figure and letter "(3A)", the brackets and figure "(3)" shall be substituted and shall be deemed to have been so substituted on the first day of July, 1972 ; and

30. in section 61, in sub-section (2), in clause (iii), after the figure and comma "1961", the words, comma and figure "or an industrial accountant, within the meaning of the Cost and Industrial Accountants Act, 1966" shall be inserted.

31. in the section 15, sub-section (4), shall be omitted.

32. Rates of Income Tax and Super Tax:- (1) Subject to the provisions of sub-section (2), (3), (4) and (5), in making any assessment for the year beginning on the first day of July, 1972:-

(a) Income-tax shall be charged at the rates specified in Part I of the Fourth Schedule; and

(b) the rates of super-tax shall, for the purposes of section 55 of the Income-tax Act, 1922 (XI of 1922), in this section referred to as the said section, be those in this specified in Part II of the Fourth Schedule.

(2) In making any assessment of the year beginning on the first day of July, 1972:
(a) Where the total income of a company includes any profits and gains from life insurance business, the super-tax payable by the company shall be reduced by an amount equal to 12.5 per cent of that part of its total income which consists of such inclusion; and

(b) Where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable on his total income according to rates applicable under the operation of the Finance Act, 1942 (XII of 1942), the same preparation as the amount of such inclusion bears to his total income so, however, that the aggregate of the taxes, so computed in respect of such inclusion shall not, in any case, exceed that amount of tax payable on such inclusion at the rate of 80 per cent.

(3) In making any assessment for the year beginning on the first day of July, 1972, where the assessee is a co-operative Society, the tax shall be payable at the rates specified in Paragraph A of Part I, or paragraph B of Part I and Paragraph A of Part II of the Fourth Schedule as if the assessee were a company to which the proviso to sub-paragraph (1) of Paragraph A of the said Part II applied, whichever treatment is more beneficial to the assessee:

Provided that calculating for the purposes of this sub-section, the amount of income-tax at the rates specified in Paragraph A of Part I of the Fourth Schedule, no deduction in respect of any allowance or sums referred to in clause (l) of the proviso to the said paragraph shall be made.

(4) (a) In making any assessment for the year beginning on the first day of July, 1972, where the total income of an assessee not being a company to which the proviso to sub-paragraph (l) of Paragraph A of Part II of the Fourth Schedule does not apply, included any profit and gains derived from the export of goods out of Azad Jammu and Kashmir, income-tax and super-tax if any, payable by him in respect of such profits and gains shall, subject to the provisions of clause (b) and (c), be reduced by an amount computed in the manner specified hereunder:-

(i) Where the goods exported 15 per cent of income-tax
abroad had not been manufactured by the assessee who exported them. and super-tax, if any, attributable to export sales.

(a) and where the export sales during the relevant year exceed the export sales of the preceding year.

Plus an additional 1 per cent for every increase of 10 per cent in export sales over those of the preceding year, subject to an overall maximum of 25 per cent.

(b) and where the export sales during the relevant year do not exceed the export sales of the preceding year.

minus 1 per cent for every decrease of 10 per cent in export sales over those of the preceding year, subject to an overall maximum of 10 per cent.

ii) where the goods exported had been manufactured by the assessee who had exported them-

(a) where the export sales do not exceed 10 per cent of the total sales.

Nil.

(b) where the export sales exceed 10 per cent but do not exceed 20 per cent of the total sales.

15 percent of the income tax, and super tax, if any attributable to export sales.

(c) where the export sales exceed 20 per cent but do not exceed 30 per cent of the total sales.

20 per cent of the income tax, and super tax, if any, attributable to export sales.

(d) where the export sales exceed 30 per cent of the total sales.

25 per cent of the income tax and super tax, if any attributable to, export sales.
(b) Nothing contained in clause (a) shall apply in respect of the following goods or class of goods, namely:-

(a) tea.

(b) raw cotton.

(c) raw jute.

(d) jute manufactures.

(e) such other goods as may be notified by the Central Board of Revenue from time to time.

(c) The Central Board of Revenue may make rules providing for the computation of profits and the tax attributable to export sales and for such other matters as may be necessary to give effect to the provisions of this sub-section.

(5) In cases to which section 17 of the said Act applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates referred to in sub-section (1), and in accordance, where applicable, with the provisions of sub-section (2).

(6) For the purposes of making deduction of tax under section 18, of the said Act, the rates specified in Part I and Part II of the fourth Schedule shall apply as respect the year beginning on the first day of July, 1972, and ending on the thirtieth day of June, 1973.

(7) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the said Act; and the expression "Public company" means a company:

(i) in which not less than fifty per cent of the shares are by the Government; or

(ii) whose shares were the subject of dealing in a registered stock exchange in Pakistan at any time during the previous year and remained listed on the stock exchange till the close of that year.
33. **Surcharge under Act XI of 1922.** Surcharge under the Income tax Act, 1922 (XI of 1922), shall be charged in respect of any assessment for the year beginning on the first day of July, 1972, at the rates specified in Part II of the Fourth Schedule.

THE FOURTH SCHEDULE (See Section 32)

Part I

**Rate of Income-tax**

A. In the case of every individual, Hindu undivided family, unregistered firm, an association of persons and every artificial juridical person referred to in clause (9) of section 2 of the Income-tax Act, 1922 (XI of 1922), not being a case to which paragraph B of this Part applies:

1. Where the taxable income does not exceed Rs. 1,000. Rs. 25.00
2. Where the taxable income exceeds Rs. 1,000 but does not exceed Rs. 2,000. Rs. 25 Plus 5 per cent of the amount exceeding Rs. 1,000.
3. Where the taxable income exceeds Rs. 2,000 but does not exceed Rs. 4,000. Rs. 75 Plus 10 per cent of the amount exceeding Rs. 2,000.
4. Where the taxable income exceeds Rs. 4,000 but does not exceed Rs. 6,500. Rs. 275 Plus 15 per cent of the amount exceeding Rs. 4,000.
5. Where the taxable income exceeds Rs. 6,500 but does not exceed Rs. 10,000. Rs. 650 Plus 20 per cent of the amount exceeding Rs. 6,500.
6. Where the taxable income exceeds Rs. 10,000 but does not exceed Rs. 15,000. Rs. 1350 Plus 25 per cent of the amount exceeding Rs. 10,000.
7. Where the taxable income exceeds Rs. 15,000 but does not exceed Rs. 25,000. Rs. 2,600 Plus 35 per cent of the amount exceeding Rs. 15,000.
8. Where the taxable income exceeds Rs. 25,000 but does not exceed Rs. 6,100 Plus 50 per cent of the amount exceeding Rs. 25,000.

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does not exceed Rs. 25,000.

9. Where the taxable income exceeds Rs. 35,000 but does not exceed Rs. 50,000.

10. Where the taxable income exceeds Rs. 50,000.

Provided that:

(1) no income tax shall be payable on a total income which before the deduction of the sums, if any, exempt under the first and third provisos to sub-section (l) of section 7, section 15, section 15A, section 15AA, section 15C, section 15CC, section 15D, section 15F, section 15H and section 58F of the Income Tax Act, 1922 (XI of 1922) does not exceed Rs. 6,000.

"(ii) The income-tax payable shall in no case exceed the amount by which the total income exceeds Rs. 6,000/- or the amount representing 70 per cent of the total income whichever amount is the less;

(iii) Where the total income exceeds fifty thousand rupees on the difference between the tax payable under the foregoing provisions of this paragraph and the tax which would have been payable had the exemption under section 15 of the said Act been admissible, shall not exceed the thousand rupees; and

(iv) Where the total income includes any income from a share of the income, profits and gains of a firm to which paragraph C of Part II applies, such portion of the super-tax payable under the said paragraph as bears to the total amount of such super-tax the same proportion as his share of income, profits and gains of the firm bears to the total income, of the firm shall be added to the income-tax payable by such partner under this paragraph and, if the sum so arrived at exceeds seventy per cent of the total income of such partner (including his share of income, profits and gains of the firm) the amount of income-tax payable by him under, this paragraph shall be admissible, shall be reduced by the amount of such excess", 

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**Explanation:** The expression 'taxable income" as used in this paragraph, means:

(a) in the case of an assessee to whom or to which sub-section (3) of section 10 or clause (a) of sub-section (1) of section 17 of the Income-tax Act, 1922, applies, the total income:

(b) in any other case, the total income of an assessee as diminished by the allowance admissible under the first and third provisos to sub-section (1) of section 7, and section 15, section 15A, section 15AA, section 15C, section 15CC, section 15D, section 15F, section 15H and section 58F of the Income-tax Act, 1922 (XI of 1922).

B. In the case of every local authority and in every case in which, under the provisions of the Income-tax Act, 1922 (XI of 1922), income-tax is to be charged at the maximum rates.

30 per cent of the total income.

C. In the case of every company, being a public company or a foreign association declared to be a company by the Central Board of Revenue under clause (5A) of section 2 of the Income-tax Act, 1922 (XI of 1922), on the total income, excluding such part of the total income as consists of any dividends or bonus or bonus shares to which sub-paragraph (3) or sub-paragraph (4) of paragraph A of Part II applies.

30 per cent of such income.

D. In the case of every other company, on the total income, excluding such part thereof as consists of any bonus or bonus shares to which sub-paragraph (4) of paragraph A of Part II applies.

30 per cent of such income.

Provided that where a company distributes dividends out of its income, profits and gains in respect of which it has obtained a rebate of one anna in the rupee under the proviso to paragraph B of Part I of the fourth Schedule to the Finance Act, 1958 (XII of 1958), the Third Schedule to the Finance Act, 1957 (I of 1957), and the Third Schedule to the Finance Act, 1956 (I of 1956), and the Third Schedule to the Finance Act (1955-56) (XXX of 1956), and additional income-tax at the rate of 6.25 percent shall be levied on the amount of such dividend and such amount shall be
deemed for the purposes of this proviso to be a part of the total income of the company of the year in which such distribution is made.

**PART II Rates of Super-tax**

A. In the case of a company: Rates.

(1) on the total income, excluding such part of the total income as consists of dividends or bonus or bonus shares to which sub-paragraph (3) and (4) apply, where such company is a company to which paragraph C of Part I applies.

35 per cent of such income in the case of a Banking Company and 30 per cent of such income in the case of a company other than a Banking Company.

(2) on the total income, excluding such part of the total income as consists of bonus or bonus shares to which sub-paragraph (4) applies where such company is a company to which sub-paragraph (1) does not apply.

35 per cent of such income in the case of a Banking Company and 30 per cent of such income in the case of a company other than a Banking Company.

Provided that where a company, in respect of the profits and gains is liable to tax under the Income-tax Act, 1922 (XI of 1922), has made such effective arrangements as may be prescribed by the Central Board of Revenue in this behalf for the declaration and payment in Azad Jammu and Kashmir of dividends payable out of such profits and gains and for the deduction of tax from such dividends, rebates shall be allowed as follows:

(i) a rebate of 5 per cent to such company not being a Banking Company if it is a public company;

(ii) a rebate of 5 per cent to such company not being a Banking Company if it is a public company to which clause (iii) does not apply, if its paid-up capital plus free reserves as on the last day of the previous year does not exceed Rs. 5,00,000;

(iii) a rebate of 5 per cent on so much of the income, profits and gains of such company, being a public company, as are derived by it from an industrial undertaking if its paid-up
capital plus free reserve as on the last day of the previous year does not exceed Rs. 10,00,000;

(iv) a rebate of 10 per cent to such company in respect of its income, profits and gains to which sub-section (9) of section 10 of the Income-Tax Act, 1922 (XI of 1922) applies or which are derived by it in Azad Jammu and Kashmir from processing, freezing, preserving and canning of food, vegetables, fruit, grain, meat, fish and poultry;

(v) a rebate of 15 per cent to such company on so much of the income, profits and gains accruing or arising outside Azad Jammu and Kashmir to which sub-section (14) of Section 10 does not apply as are brought by it into Azad Jammu and Kashmir.

Explanation:- The term "industrial undertaking", as used in clause (iii), means an undertaking which is set up or commenced in Azad Jammu and Kashmir on or after the 14th day of August, 1947, and which employs; (i) ten or more persons in Azad Jammu and Kashmir and involves the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal energy; or (ii) twenty or more persons in Azad Jammu and Kashmir and does not involve the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal and which is:

(i) engaged in:

(a) the manufacture of goods or materials or the subjection of goods or materials to any process, which substantially changes their original condition;

(b) ship-building;

(c) generation, transformation, conversion, transmission or distribution of electrical energy, or the supply of hydraulic power;

(d) the working of any mine, oil-well or other source of mineral deposits not being an undertaking to which the Second and Third Schedules to the Income-tax Act, 1922 (XI of 1922) apply; or
(ii) any other industrial undertaking which may be approved by the Central Board of Revenue for the purposes of this clause;

3. To which paragraph C of Part I applies, on the amount representing income from dividends from a company having its registered office in Pakistan.

   Rates.

   (a) Where such dividends are received by a company from a subsidiary company set up in the wing other than the wing in which the holding company has its registered office and carries on business. Nil.

   (b) Where such dividends are received by a public company to which clause (a) does not apply and are declared and paid by a company formed and registered in Azad Jammu and Kashmir under the Companies Act, 1913 (VII of 1913), or a body corporate formed in pursuance of an Act, of the Legislature, in respect of the share – capital issued, subscribed and paid after the fourteenth day of August, 1947. 15 per cent of such amount.

   (c) In other case. 20 per cent of such amount.

Explanation:– For the purposes of clause (a) a company shall be deemed to be a subsidiary of another company if that other company holds more than 50 per cent of the face value of the equity share capital of the first mentioned company;

4. On the whole of the amount representing the face value of any bonus shares or the amount of any bonus issued by the company to its share holders with a view to increasing its paid-up capital.

   Rates.

   (a) Where a company which issues bonus shares or bonus, as the case may be, is a public company. 15 per cent of such amount.

   (b) In other cases. 20 per cent of such amount.
B. In the case of every local authority on the whole of the total income.

After para B, the following new paragraph shall be added namely:-

“C” In the case of every registered firm:–

(1) Where the total income does not exceed Rs. 15,000.
Nil

(2) Where the total income exceeds Rs. 15,000 but does not exceed Rs. 30,000.
5 per cent of the amount exceeding Rs. 15,000.

(3) Where the total income exceeds Rs. 30,000 but does not exceed Rs. 60,000.
Rs. 750 plus 10 percent of the amount exceeding Rs. 30,000.

(4) Where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,00,000.
Rs. 3,750 plus 20 percent of the amount exceeding Rs. 60,000.

(5) Where the total income exceeds Rs. 1,00,000.
Rs. 11,750 plus 50 percent of the amount exceeding Rs. 1,00,000.

PART III
(See section 33)

Rates of Surcharge

In the case of jewelers dealing in or manufacturing articles of gold, silver or precious stones.
6 per cent of the income, profits and gains attributable to such business.
1. **Tax on cinemas:** (1) There shall be levied and collected a tax by the owners or managements thereof, at the following rates namely:—

   (i) In the case of a Cinema Classes as a first Class Cinema. Rs. 3,000/-
   (ii) In the case of a Cinema classed as a Second Class Cinema. Rs. 1,000/-
   (iii) In the case of a Cinema classed as a third Class Cinema. Rs. 100/-

(2) If the person responsible for payment of the tax under sub-clause (i), (ii) and (iii) fails to pay the tax within the period prescribed under the rules for its payment he shall be liable to pay in addition to the amount of such tax, a penalty not exceeding the amount of the tax payable.

2. **Amendment of Section 3 of West Pakistan Motor Vehicle Taxation Act, 1958 as adopted in Azad Kashmir with the Amendment made vide Finance Act, 1971.**

   In schedule of section 3 item (b), (c) and (d) of item 5 are substituted as follows:

<table>
<thead>
<tr>
<th>Per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Seating not more than 3 persons. Rs. 150/-</td>
</tr>
<tr>
<td>(c) Seating not more than 4 persons. Rs. 200/-</td>
</tr>
<tr>
<td>(d) Seating more than 4 persons for every additional person. Rs. 50/- per seat per annum.</td>
</tr>
</tbody>
</table>

**NOTE:**— These rates shall also apply to Station Wagons used for private purposes in Azad Kashmir.”

3. **Application of existing laws.** Where any tax, duty or surcharge imposed or any fee levied by this Act, is by way of an addition to, or surcharge on any existing tax or duty imposed or fee levied by or under any enactment and rules in force in Azad Kashmir, the procedure provided in such enactment and rules framed there under for the assessment, collection and recovery of the
additional tax, duty surcharge or fee, as the case may be should be followed.

4. **Bar of suits in Civil Courts:** No suit shall lie in any Civil Court to set aside or modify an assessment, levy or collection of a tax, duty, surcharge or fee, made under this Act and the rules framed there under or any penalty imposed under this Act.

5. **Power to make rules:**
   
   (1) Government may make rules for carrying into effect the purposes of this Act and such rules may, among other matters, prescribed the procedure for the assessment, collection and payment of any tax, duty, surcharge or fee levied or the imposition of any penalty under this Act, in so far as such procedure is not provided in this Act.

   (2) Any rules made or deemed to have been made under the corresponding provisions of the Azad Jammu and Kashmir Finance Ordinance, 1971, shall, so far may be continue in force and deemed to have been made under this Act.

Sd/- (Ashfaq Ahmed Khan)
Secretary,
An Ordinance to provide the law relating to the levy of tax on Urban immovable property in the Azad Jammu and Kashmir.

Whereas it is expedient to provide legislation relating to the levy of tax on Urban Immovable property in the Azad Jammu and Kashmir Territory;

And whereas the Legislative Assembly is not in session and the President is satisfied that the circumstances exist which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred under Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement**: (1) This Ordinance may be called the Azad Jammu and Kashmir Urban Immovable Property Tax Ordinance, 1973.

   (2) It shall extend to the whole of the Azad Jammu and Kashmir.

   (3) It shall come into force at once.

2. **Definitions**: In this Ordinance unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

   (a) ‘assessing authority’ means the assessing authority constituted under this Ordinance;

   (b) ‘Collector’ means an officer appointed by Government by name, or by virtue of his office to discharge the functions and
to perform the duties of a Collector under this Ordinance in any specified area;

(c) ‘Commissioner’ means an officer appointed by name, or by virtue of his office, to discharge the functions and to perform the duties of a Commissioner under this Ordinance in any specified area;


(e) ‘Member of the family of the owner’ means:

(i) Wife or husband, as the case may be; and

(ii) sons and daughters; and dependent children of the owner;

(f) ‘owner’ includes a mortgagee with possession, a lessee in perpetuity, a trustee having possession of a trust property and a person to whom an evacuee property has been allotted under the Rehabilitation Act, 1956;

(g) ‘prescribed’ means prescribed by rules made under this Ordinance;

(h) ‘rating area’ means urban area where tax is levied under the provisions of this Ordinance;

(i) ‘tax’ means the tax leviable under the provisions of Section 3; and

(j) ‘urban area’ means an area within the boundaries of a Municipal Corporation, Municipal Committee, Cantonment Board, Small Town Committee, or other authority (not being a District Board) legally entitled to, or entrusted by Government with the Control or management of a municipal or a local fund;

3. **Levy of Tax.**—(1) Government may by notification specify urban areas where tax shall be levied under this Ordinance:

Provided that one urban area may be divided into two or more rating areas or several urban areas may be grouped as one rating area.
(2) Subject to the provisions of sub-section (3) and (4) there shall be charged, levied and paid a tax on annual value of buildings and lands in a rating area at the following scales:-

(i) in case the annual value exceeds two hundred and seventy rupees but does not exceed six thousand rupees. Fifteen percent of the annual value.

(ii) In case the annual value exceeds six thousand rupees but does not exceed twelve thousand rupees. Seventeen and a half percent of the annual value.

(iii) In case the annual value exceeds twelve thousand rupees but does not exceed twenty thousand rupees. Twenty percent of the annual value.

(iv) In case the annual value exceeds twenty thousand rupees. Twenty five percent of the annual value.

(3) Where a building is occupied for residential purposes by the owner himself and if such owners or any member of his family does not own other building in that rating area, he shall be allowed a deduction from the annual value at the following rates:-

(i) In case the building is situated in a first class Municipal Committee. Four hundred and eighty six rupees.

(ii) In case the building is situated in any other urban area. Three hundred and seventy eight rupees.

(4) Government may, by notification, for reasons to be recorded remit in whole or in part, the payment of the tax by any class of persons in respect of any category of property.
**Explanation:** The annual value for the purpose of this section shall be the aggregate annual value of all buildings and lands owned by the same person in a rating area.

(5) The tax shall be due from the owner of building and lands.

3A. **Share of Municipal Committee and Town Committee in the tax:** Out of the tax collected under the Ordinance from within the limits of a Municipal Committee or a Town Committee, the Government shall after retaining five percent thereof as collection charges, pay forty percent of the balance to such Municipal Committee or Town Committee, as the case may be;

4. **Exemption:** The tax shall not be leviable in respect of the following properties, namely:-

(a) buildings and lands other than those leased in perpetuity:

   (i) vesting in Government of Azad Jammu and Kashmir and not administered by a local authority;

   (ii) owned or administered by a local authority when used exclusively for public purposes and not used or intended to be used for purposes of profits;

(b) (i) building and lands the annual value of which does not exceed two hundred and sixteen rupees; or

   (ii) one building occupied by an owner for his residence the annual value of which:

      (1) does not exceed six hundred and forty-eight rupees in the rating areas of a municipality of the first class; or

      (2) does not exceed three hundred and seventy-eight rupees in other rating areas, subject to the condition that the owner or any member of his family does not own any other property in that rating area and such other conditions as may be prescribed:

Provided that if such building or land is in the ownership of a person who owns any other building or land in the same rating area, the annual value of such building or land shall, for the purposes of this
clause, be deemed to be the aggregate annual value of all buildings or lands owned by him in that area;

(c) building and lands or portions thereof used exclusively for educational purposes including schools boarding houses, hostels and libraries;

(d) public parks and playgrounds;

(e) buildings and lands or portions thereof used exclusively for public workshop or public charity including mosques, churches, dharmsalas, gurdwaras, hospitals, dispensaries, orphanages, alms houses, drinking water, fountains, infirmaries for the treatment and care of animals and public or burning grounds or other places for the disposal of the dead:

Provided that the following buildings and lands or portions thereof shall not be deemed to be used exclusively for public worship or for public charity within the meaning of this section, namely: -

(i) buildings in or land on which any trade or business is carried on unless the rent derived from such buildings or lands is applied exclusively to religious purposes or such public charitable institutions as may be;

(ii) buildings or lands in respect of which rent is derived, and such rent is not applied exclusively to religious purposes or to public charitable institutions; and

(f) building and lands the annual value of which does not exceed one thousand rupees, belonging to widows and minor orphans.

5. **Ascertainment of annual value:** The annual value of any land or building shall be ascertained by estimating the gross annual rent at which such land or building together with its appurtenances and any furniture that may be left for use or enjoyment with such building might reasonably be expected to be left from year to year, unless:-

(a) any allowance not exceeding twenty per centum of the gross annual rent may consider reasonable rent for the furniture lent with any such building;
(b) an allowance of ten percent for the cost of repairs and for all other expenses necessary to maintain such building in a state to command such gross annual rent. Such deduction shall be calculated on the gross annual rent after the deduction, if any, under clause (a); and

(c) any land revenue actually paid in respect of such building or land:

Provided that in calculating the annual value of any building or land under this section the value of any machinery in such building or any such land shall be excluded.

6. **Assessing authority:-** (1) There shall be an assessing authority for every rating area.

(2) The assessing authority shall exercise such powers and perform such duties as are conferred on it by this Ordinance or the rules made there under.

7. **Making and operation of valuation lists:-** (1) A valuation list shall be made by the prescribed authority in accordance with the rules framed under this Ordinance for every rating area so as to come into force either on the first day of the July or first day of January, and thereafter a new valuation list shall be made from time to time so that the interval between the dates on which one valuation list and the next succeeding valuation list respectively come into force shall be a period of five years:

Provided that Government may by order:-

(a) reduce by a period not exceeding one year or extend by a period not exceeding three years the interval which would otherwise elapse between the coming into force of any two successive valuation lists for any rating area or, where a valuation list has been lost or destroyed by operation of circumstances beyond control, cancel the list, direct the preparation of new list and order recovery of pending tax to be made on the basis either of the last preceding valuation list or of the new list prepared under this proviso; and

(b) divide any rating area into parts for the purposes of a new valuation list and determine the years in which the next following valuation list for each of such parts respectively shall be made and come into force.
Subject to the provisions of any such order as aforesaid, every valuation list shall come into force on the first day of July or the first day of January as the case may be, next following the date on which it is finally approved by the assessing authority and shall, subject to the provisions of this Ordinance and the rules made there under (including the provisions with respect to the alteration of and the making of additions to the valuation list) remain in force until it is superseded by a new valuation list.

8. **Draft valuation list:-**

   (1) Where the assessing authority for any area has issued notices requiring returns in connection with the making of a new valuation list, the said authority shall as soon as may be after the expiration of the period allowed for the delivery of the returns, cause a draft valuation list to be prepared for the area and published in such manner as may be prescribed.

   (2) Any person aggrieved by any entry in the draft valuation list, or by the insertion therein or omission there from of any matter, or otherwise with respect to the list, in accordance with the rules made under this Ordinance lodge an objection with the assessing authority at any time before the expiration of thirty days from the date on which the draft valuation list is published.

9. **Amendment of current valuation list:-** Subject to such rules, if any, as the Government may think fit to make in this behalf, the assessing authority may at any time make such amendments in a valuation list as appear to it to be necessary in order to bring list into accord with existing circumstances and in particular may:

   (a) correct any clerical or arithmetical error in the list;

   (b) correct any erroneous insertion or omission or any misdescription:

   (c) make such additions to or corrections in the list as appear to the authority to be necessary by reason of:

   (i) a new building being erected after the completion of the valuation list;

   (ii) a building included in the valuation list being destroyed or substantially damaged or altered since its value was last previously determined;

   (iii) any change in the ownership or use of any building or land:
Provided that not less than fourteen days before making any such amendment in the valuation list for the time being in force, other than the correction of a clerical or arithmetical error, or the correction of an erroneous insertion, omission or misdescription, the assessing authority shall send notice of the proposed amendment to the owner of the building or land and shall also consider any objection thereto which may be made by him.

10. **Appeal and Revision**:-(1) Any person aggrieved by an order of the appropriate authority upon an objection made before that authority under sections 8, 9, or 15 may appeal against such order at any time before the expiration of thirty days from the date of such order, to the Collector or to such other officer as the Government may, by notification, appoint in this behalf.

(2) The Commissioner or such other officer as may be appointed by the Government by notification in this behalf may of his own motion at any time or on application made within a period of one year from the date of the taking of any proceedings or passing of any order by an authority subordinate to the Commissioner call for and examine the record of the proceedings or the order for the purpose of satisfying himself as to the legality or propriety of the same and may pass such order in reference thereto as he may consider fit.

11. **Tax to be levied notwithstanding appeal**: - The tax shall be levied in accordance with the valuation list in force for the time being and shall be collected and be recoverable notwithstanding any appeal which may be pending with respect to that list.

12. **Tax when payable**: - The tax shall be payable half yearly by such dates as may be prescribed:

Provided that in respect of a rating area which is a hill station, Government may direct that tax shall be recovered in one yearly installment.

13. **Collection of tax**: - The tax shall be paid to such person or authority and in the such manner as the Government may prescribe.

14. **Recovery of tax from tenants**: - Where the tax due from any person on account of any building or land is in arrears, it shall be lawful for the prescribed authority to serve upon any person...
paying rent in respect of that building or land, or any part thereof, to the person from whom the arrears are due, a notice stating the amount of such arrears of tax and requiring all future payments of rent (whether the same have already accrued due or not) by the person paying the rent to be made direct to the prescribed authority until such arrears shall have been duly paid, and such notice shall operate to transfer to the prescribed authority the right to recover, receive and give a discharge for such rent; If the person paying rent willfully fails or neglects to comply with the notice aforementioned, the prescribed authority may, after giving him an opportunity of being heard, proceed against him as it would have proceeded under the provisions of this Ordinance against the owner of the building or land in respect of which the tax is in arrears.

15. **Penalty for default in payment:**

(1) If any person on being served with such notice as may be prescribed falls to pay within the period specified in the notice any amount due from him on account of the tax, the prescribed authority may recover from him as penalty a sum not exceeding the amount of the tax so unpaid in addition to the amount of the tax payable by him.

(2) No such penalty shall be imposed unless the prescribed authority is satisfied that the person liable to pay the tax has willfully failed to pay the same.

16. **Recovery of unpaid dues:**

(1) If any sum due on account of the tax levied under section 3 or as a penalty imposed under this Ordinance is not paid within the time allowed for its payment and the person from whom it is due does not show cause to the satisfaction of the Collector or any other person authorised by him why he should not pay the same. Such sum (inclusive of all costs of recovery) may be recovered under a warrant in the prescribed form or in a form to the like effect to be signed by the Collector:

(i) by distress or sale of the movable property belonging to such person; or

(ii) by attachment and sale of the immovable property belonging to him.

The warrant may be addressed to an officer of the Excise and Taxation Department for execution and in executing it he may
obtain such assistance from other servants of the Department as he may consider necessary;

(2) Notwithstanding anything contained in sub-section (1), any sum on account of the tax levied or penalty imposed under this Ordinance remaining unrecovered shall be recoverable as arrears of land revenue.

(3) Notwithstanding anything contained in any law and notwithstanding any rights arising out of any contract or otherwise whatsoever, any sum due on account of the tax levied under section 3 or as a penalty imposed under this Ordinance in respect of any building or land, shall, subject to the prior payment of the land revenues, if any, found within or upon such building or land and belonging to the person liable for such tax or penalty.

17. **Remuneration of local authority:** When the tax is collected by any local authority such local authority shall be entitled to such remuneration on account of the cost of collection as may be prescribed.

18. **Powers of assessing authority to require returns for valuation list:**

   (1) In every case where a new valuation list is intended to be made for any rating area, the assessing authority shall give public notice of such intention in such manner as may be prescribed and may serve a notice on the owner, occupier or lessee of any building or land in the said area, or on any one of them, requiring him, or them, to make a return containing such particulars as may be prescribed.

   (2) Every person on whom a notice to make a return is served in pursuance of the provisions of this section shall, within thirty days of the date of the service of the notice make a return in such form as is required to the assessing authority.

   (3) If any person on whom such notice has been served fails within the required period to submit such return, the assessing authority may proceed to value such property in such manner as it deems fit.

19. **Powers of assessing authority to require returns at any time:**

   If the assessing authority at any time desire any person, who is the owner, lessee or occupier of any building or land wholly or partly within the rating area, to make a return with respect to any
of the matters regarding which a return may be prescribed, it may serve a notice on that person requiring the return, and that person shall within thirty days from the service of the notice send the required return to the assessing authority:

Provided that the assessing authority may, in the discretion, extend the period for the delivery of any such return:

20. **Valuation list not to be rendered invalid by certain failures or omission:** Any failure on the part of the assessing authority to complete any proceedings with respect to the preparation of a valuation list within the time required by this Ordinance or the rules made thereunder, or the omission from a valuation list of any matters required by the rules to be included therein shall not, of itself, render the list invalid.

21. **Assessing authorities officers and servants to be deemed public servants:** Every assessing authority, and every officer working under the orders of such authority for the purposes of this Ordinance, shall be deemed to be a public servant within the meaning of section 21 of the Azad Jammu and Kashmir Penal Code.

22. **Exclusion of jurisdiction of civil Courts:** No civil court shall have jurisdiction in any matter which the Government or an assessing authority or any officer or servant is empowered by this Ordinance or the rules made thereunder to dispose of, or take cognizance of the manner in which the Government, or any assessing authority, or servant exercise any powers vested in it or him by or under this Ordinance or the rules made thereunder.

23. **Power to make rules:** (1) The Government may make rules for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing provisions such rules may provide for any or all of the following matters, namely:

(a) the appointment, powers and duties of assessing authority;

(b) the placing of identification marks on, and entry into or upon, any building or land;

(c) the preparation and publication of valuation lists, including publication and inspection of drafts valuation lists, notices of
objections and hearing of objections, and other matters incidental thereto;

(d) the practice and procedure to be followed on and in connection with appeal, including:-

(i) notices of appeal:

(ii) prescription of scales of costs;

(iii) prescription of fees to be charged in connection with appeals;

(e) the prescription of the form of any notice, valuation list, statement, return, or other document whatsoever which is required or authorised to be used under or for the purposes of this Ordinance;

(f) the mode of service of any notices, order or document required or authorised to be served.

(g) the inspection and taking copies of and extracts from any draft valuation list, valuation list notice of objections, proposal for amendment to the valuation list, notice of appeal, valuation made by valuer, and fees for such inspection or copies;

(h) the appointment of valuers to advise or assist in connection with the valuation of buildings or lands and their powers and duties;

(i) the time at and the manner in which the amount of tax shall be paid to the Government;

(j) the portion of the tax to be refunded or remitted and the manner in which and the conditions subject to which such refund or remission may be granted;

(k) the prescription of fees to be charged in connection with any application made under this Ordinance or the rules made thereunder;

(l) any matter which is required by this Ordinance to be prescribed.
(3) In making any rules under sub-section (1) and (2) Government may direct that the prescribed authority may impose a penalty not exceeding two hundred rupees on a person who is guilty of a breach of the provisions thereof.

(4) Rules made under this section shall be laid before the Assembly of Azad Government of the State of Jammu and Kashmir as soon as may be after they are made,

Sd/- (Sardar Mohammad Abdul Qayyum Khan)
President,
Azad Government of the State of
Jammu and Kashmir

Sd/- (Malik Mohammad Aslam Khan)
Secretary Law,
Azad Government of the State of
Jammu and Kashmir

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THE AZAD JAMMU & KASHMIR (BOARD OF INTERMEDIATE & SECONDARY EDUCATION) ORDINANCE, 1973

(ORDINANCE II OF 1973)

An Ordinance to constitute and organize the Board of Intermediate and Secondary Education in Azad Jammu and Kashmir.

Preamble.

Whereas it is necessary to constitute and organize the Board of Intermediate and Secondary Education in Azad Jammu and Kashmir;

And whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement:**-

   (1) This Ordinance, may be called the Azad Jammu and Kashmir (Board of Intermediate and Secondary Education) Ordinance, 1973.

   (2) It shall extend to the whole of Azad Jammu and Kashmir.

   (3) It shall come into force at once;

2. **Definitions:**- In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

   (a) ‘Board’ means the Azad Jammu and Kashmir Board of Intermediate and Secondary Education, as constituted under this Ordinance;

   (b) ‘Chairman’ means the Chairman of the Board;

   (c) ‘College’ means an institution within the jurisdiction of the Board and recognized for Intermediate Education and includes a college, having Intermediate and Degree classes and affiliated to the University for the Degree classes;
(d) ‘Committee’ means a committee constituted under this Ordinance;

(e) ‘Controller of Examinations’ means the controller of Examinations of the Board;

(f) ‘Controlling Authority’ means the Controlling Authority of the Board;

(g) ‘Director of Education’ means the Director of Education of the Government;


(i) ‘Head of an Institution’ means the Principal of a College or the Headmaster or Headmistress of a School;

(j) ‘Institution’ means a College or a School;

(k) ‘Intermediate College’ means an institution recognized for imparting instruction to class XI and Class XII and includes an institution having Intermediate and Secondary Classes;

(l) ‘Intermediate Education’ means education pertaining to Class XI and Class XII;

(m) ‘Prescribed’ means prescribed by Regulations or Rules;

(n) ‘Principal’ means the head of a College;

(o) ‘Recognized’ means recognized by the Board;

(p) ‘Regulations and Rules’ means respectively the Regulations and Rules made by the Board under this Ordinance;

(q) ‘School’ means an institution recognized only for the Secondary Education;

(r) ‘Secondary Education’ means education pertaining to Class IX and Class X and such other classes as may be declared by Government to be classes of Secondary Education;

(s) ‘Secretary’ means the Secretary of the Board who shall also be the ex-officio Controller of Examination; and
(i) ‘University’ means the University of the Punjab.

3. **Establishment and Incorporation:**— (1) The Board of Secondary Education, shall be constituted in accordance with the provisions of this Ordinance and shall be called the Azad Jammu and Kashmir Board of Intermediate and Secondary Education.

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal with power to acquire and hold property and to transfer the same and may sue or be sued by its corporate name:

4. **Constitution of the Board:**— (1) The Board shall consist of the following members, namely:

   i) the Chairman;

   ii) the Vice-Chancellor of the University or a University Professor nominated by him;

   iii) the Director of Education;

   iv) one Principal of a Degree College nominated by the Controlling Authority;

   v) one representative of Heads of Intermediate Colleges elected by and from among themselves;

   vi) one Headmaster or Headmistress of School elected by and from among the Headmasters and Headmistresses of Schools;

   vii) one Lecturer to be elected by the Lecturers of Azad Kashmir;

   viii) one Senior teacher to be nominated by the Controlling Authority or elected by and from among the senior teachers of High Classes; and;

   ix) two members nominated by the Controlling Authority;

(2) The names of the nominated and elected members shall be notified in the official Gazette.

(3) The term of office of member other than the ex-officio members shall be two years.
(4) No member appointed by virtue of his office shall continue to be member if he ceases to hold that office;

(5) When a person ceases to be member of the Board, he shall cease to be member of any of the Committees of which he may be a member.

5. **Resignation of members:** A member of the Board may resign his membership by a letter addressed to the Chairman; provided that the resignation shall not have effect until it is accepted by the Controlling Authority;

6. **Removal of members:** A member shall be liable to be removed by the Controlling Authority, if:

(i) he has become of unsound mind;

(ii) he has been declared insolvent by a competent court;

(iii) he has been convicted by a Criminal Court of an offence involving moral turpitude,

The decision of the Controlling Authority in this behalf shall be final.

7. **Casual vacancies:** (1) Whenever there occurs a vacancy in the membership of the Board due to death, resignation or removal, it shall be filled in accordance with the provisions of this Ordinance.

(2) The person who fills the vacancy shall be member of the Board for the full term of two years:

8. **Meetings of the Board:** (1) The Chairman may, when he considers necessary and shall, on a requisition from at least five members of the Board, call a meeting of the Board.

(2) The quorum for meetings of the Board shall be six.

9. **Jurisdiction of the Board:** The Board shall exercise its powers within the territorial limits of the Azad Jammu and Kashmir.

10. **Powers of the Board:** (1) Subject to the provisions of this Ordinance the Board shall have power to organize, regulate,
develop and control Intermediate Education and Secondary Education.

(2) In particular and without prejudice to the generality of the power conferred by the preceding sub-section, the Board shall have the power:

(i) to hold and conduct all examinations pertaining to Intermediate Education, Secondary Education, Pakistani and Classical Languages Examinations and such other examinations as may be determined by Government;

(ii) to prescribe courses of study for its examinations;

(iii) to lay down condition for recognition of institution;

(iv) to accord, refuse or withdraw recognition wholly or partly, after considering inspection reports:

(a) in the case of schools, received from the Education Department, of the Government; and

(b) in the case of Intermediate Colleges and institutions preparing candidates for Pakistani and classical languages examinations, received from an inspection committee appointed by the Board in this behalf.

(v) to inspect and arrange for inspection of recognized institutions and call for inspection reports;

(vi) to lay down conditions for admission to its examinations, to determine the eligibility of candidates and to admit them to the examination;

(vii) to grant certificates and diplomas to persons who have passed its examinations and to withdraw such certificates and diplomas;

(viii) to fix, demand and receive such fees as may be prescribed;

(ix) to supervise the residence, health and discipline of the students of recognized institutions and classes with a view to promoting their general welfare;

(x) to institute and award scholarships, medals and prizes in accordance with the Regulations and Rules;
(xi) to organize and promote extra-mural activities in and for recognized institutions;

(xii) to hold, control and administer its property and funds;

(xiii) to enter into and carry out contracts in exercise of its powers and performance of its duties under Ordinance and the Regulations;

(xiv) to pass the annual budget;

(xv) to transfer any movable and immovable property;

(xvi) to hold and manage endowments;

(xvii) to regulate and decide all administrative matters, including the creation and abolition of posts;

Provided that it shall be lawful for the Chairman to create temporary posts for a period not exceeding six months:

(xviii) to appoint the staff and define their duties and conditions of service;

(xix) to make provision for buildings, premises, furniture, apparatus, books and other means required for carrying out the purposes of this Ordinance;

(xx) to sanction such expenditure and to appoint such officers and staff as may be necessary to carry out the purposes of this Ordinance; and

(xxii) to do all other acts necessary for carrying out the purposes of this Ordinance.

(3) The Board may delegate any of its powers to the Chairman or any officer of the Board or to a Committee or sub-Committee appointed by it as it may deem fit.

11. **Controlling Authority**:- The President of the Azad Government of the State of Jammu and Kashmir be the Controlling Authority of the Board.

12. **Powers of the Controlling Authority**:- (l) The Controlling Authority shall have the powers to cause an inspection to be made by such person or persons as he may direct, of the offices,
activities and funds of Examinations conducted by the Board and
to cause an enquiry to be made in like manner in respect of any
matter concerning the Board.

(2) The Controlling Authority shall communicate to the Board
the result of such inspection or enquiry and may advise the
Board to take such action within such period as may be
specified.

(3) The Board shall report to the Controlling Authority the
action as it proposes to take or has taken on such
communication.

(4) Where the Board does not within a reasonable time take
action to the satisfaction of the Controlling Authority, the
Controlling Authority may, after considering any explanation
made by the Board, issue such directions as it thinks fit, and the
Chairman shall comply with such directions.

(5) If the Controlling Authority is satisfied that any proceeding
of the Board or a Committee is not in conformity with this
Ordinance, the Controlling Authority may, without prejudice to
the foregoing provisions of this section, by order in writing,
annul such proceedings:

Provided that before making any such order the Controlling
Authority shall, through the Chairman, call upon the Board or
the Committee, as the case may be, to show cause why such an
order should not be made.

13. **Officers of the Board:-** The following shall be the officers of
the Board: -

   i) the Chairman;

   ii) the Secretary/Controller of Examinations;

   iii) The Controller of Examinations; and

   iv) such other officers as may be appointed by the Board.

14. **Chairman:-** (1) The Chairman shall be a whole time officer and
shall be appointed by the Controlling Authority on such terms
and conditions as may be determined by the Controlling
Authority.
(2) The Chairman shall hold office for a term of four years from
the date of notification of his appointment and on the expiry of
the term of office shall be eligible for re-appointment.

(3) When the office of the Chairman is vacant temporarily or
otherwise, by reason of leave, illness or other cause, for a period
not exceeding one year, the Controlling Authority shall make
such arrangements for carrying on the duties of the office of the
Chairman as it may think fit.

(4) The Chairman shall be the principal executive and academic
officer of the Board and shall, when present, preside at the
meetings of:

(i) the Board;

(ii) the Academic Committee, Finance Committee,
Appointments Committee, Committee for the Appointment
of Paper Setters and Head Examiners, Committees of
Courses and other Committees of the Board.

(5) It shall be the duty of the Chairman to ensure that the
provisions of this Ordinance and the Regulations and Rules are
faithfully observed and carried out, and he shall exercise all
powers necessary for this purpose.

(6) In any emergency arising out of the administrative business
of the Board, and requiring in the opinion of the Chairman,
immediate action, the Chairman may take such action as he may
deed necessary and shall report the action so taken to the Board
at its next meeting for approval.

(7) The Chairman shall exercise such other powers as may be
prescribed.

15. Secretary and Controller of Examinations:- (1) The Secretary
and Controller of Examinations shall be whole time salaried
officers appointed by the Board.

(2) The terms and conditions of service of the Secretary and the
Controller of Examinations and their powers and duties shall be
such as may be prescribed.
16. **Other Officers:** Subject to the provisions of the Ordinance the powers and duties of other officers of the Board shall be such as may be determined by the Board.

17. **Committees of the Board:** (1) The Board shall have the following Committees, namely:

i) the Academic Committee;

ii) the Finance Committee;

iii) the Appointments Committee;

iv) Committee for appointment of Paper Setters and Head Examiners;

v) Committees of Courses; and;

vi) such other Committees as may be prescribed;

(2) The Board or a Committee may appoint such sub-committees as it may deem necessary.

18. **Constitution, powers and duties of the Committees:** The constitution, functions and duties of the Committees, mentioned in sub-section (i) of Section 17, shall be such as may be prescribed by Regulations.

19. **Powers of the Board:** (1) The Board shall have the power to make Regulations consistent with this Ordinance on all or any of the following matters, namely:

(a) the constitution, powers and duties of Committees;

(b) powers and duties of the officers of the Board mentioned in Section 13;

(c) Rules of service including Rules regulating disciplinary action, grant of leave and retirement of the employees of the Board;

(d) constitution of pension or Provident Fund or both for the benefit of the officer and other employees of the Board;
(e) admission of institutions to the privilege of recognition and
withdrawal of recognition;

(f) general scheme of studies, including the total number of
subjects to be taught and the duration of courses; and

(g) such other matters as may appear necessary for giving effect
to the provisions of this Ordinance.

(2) The Regulations approved by the Board shall be submitted to
Government and shall not take effect until they are approved by
Government. Government may approve or disallow or remit
them to the Board with its recommendations for further
consideration.

20. **Power of the Board to make rules:**— The Board may make rules
consistent with this Ordinance and the Regulations to provide for:

(i) inspection of institutions and the reports, returns and other
information to be furnished by them;

(ii) conditions of admission of candidates to the Examinations
and eligibility for diplomas, certificates and titles.

(iii) such other matters as may be prescribed by Regulations.

21. **Funds:**— The Board shall have a fund to which shall be credited
all its income including income from fees, endowments, grants
and contributions.

22. **Accounts and Audit:**— (1) The accounts of the Board shall be
maintained in such manner as may be prescribed by Rules.

(2) The statement of accounts of the Board shall be submitted to
Government once a year.

(3) The accounts of the Board shall be audited in such manner as
may be prescribed by the Regulations.

23. **Provident Fund or pension:**— (1) The Board shall establish for
the benefit of its employees such pension or Provident Fund or
both as it may deem fit in such manner and subject to such
conditions as may be prescribed.
(2) Government may, by notification, declare that the provisions of the Provident Fund Act, shall apply to such fund, and on making of such declaration that Act shall apply accordingly as if the Board were Government and the said fund were the Government Provident Fund.

24. **Members prohibited from deriving monetary gains**: No member of the Board shall draw any fee or other remuneration in any capacity whatever from the funds of the Board or enter into any contract with the Board directly or through any other person connection with the affairs of the Board:

   Provided that the emoluments of the Chairman shall, under terms and conditions of his appointment, be paid from the funds of the Board:

   Provided further that a member or a Committee may receive from the Board remuneration in lump sum for writing, compiling or editing a book intended to be prescribed for an examination of the Board.

25. **Bar against membership**: No person who has any financial interest in any book prescribed by the Board as a course of study for any examination conducted by the Board or has a financial interest as a partner or otherwise in any firm which publishes, procures, or supplies any such book, shall be eligible to become a member of the Board or a committee or continue as such after having acquired any such interest.

26. **Validation**: No act or proceedings of the Board or any committee shall be invalidated merely by reason of the existence of a vacancy on the Board or the Committee, or by reason of any irregularity in the appointment of any member of the Board or the Committee.

27. **Bar to suits**: All acts done, orders passed or proceedings taken by the Board shall be final and shall not be called in question in any court by a suit or otherwise.

28. **Members and employees to be public servants**: Members of the Board and the Committees constituted under this Ordinance, the employees of the Board and other persons appointed for carrying out the purposes of this Ordinance, shall be deemed to be public servants within the meanings of section 21 of the Azad Penal Code.
29. Protection of acts and orders:- No suit for damages or other legal proceedings shall be instituted against Government, the Controlling Authority, the Board, any Committee, any member of the Board or Committee, or officer or employee of the Board in respect of anything done or purported to have been done in good faith in pursuance of this Ordinance and the regulations and Rules made thereunder.

30. First Regulations:- (1) Notwithstanding anything to the contrary contained in this Ordinance, the Regulations set out in the Schedule shall, on the commencement of this Ordinance, be deemed to be the First Regulations framed by the Board under section 19.

(2) The Regulations laid down by the Government within three months of the date of commencement of this Ordinance shall become part of the Schedule.

31. Transitional provisions:- (1) From the date of commencement of this Ordinance and till such time as the nominated and elected members are appointed, the Chairman and the Ex-Officio members shall exercise all the powers and perform all the duties of the Board and its Committees.

(2) On the appointment of the nominated and elected members, the Board shall exercise all powers and perform all duties of the Committees of the Board upto the time the Committees are constituted.

(3) If there is any difficulty in giving effect to the provisions of this Ordinance, the Controlling Authority may take such action to remove the difficulty as it may deem necessary.

SCHEDULE

THE FIRST REGULATIONS OF THE BOARD

1. Powers and duties of the Chairman:- The Chairman shall exercise control over the office of the Board as its principal executive and academic officer and shall do all acts to ensure that the officers and the staff properly perform the duties entrusted to them. In particular he shall:-
(i) write confidential reports on the work of Officers whose grades carry an initial salary of three hundred rupees or more per mensem;

(ii) recommend to the Board any disciplinary action that he considers necessary against officers mentioned in clause (i);

(iii) take disciplinary action against members of the establishment whose grades carry an initial salary of less than three hundred rupees per mensem; and

(iv) appoint Superintendents of Examinations.

2. **Powers and duties of the Secretary:** (1) The Secretary shall, subject to the control of the Chairman, be in charge of the academic and administrative sector of the Board's office and shall cause the orders and decisions of the Board and the Chairman to be carried out.

(2) The Secretary shall take all possible steps to ensure that the funds of the Board are spent on the purpose for which they are provided.

(3) The Secretary shall, cause to be prepared and submit to the Board for approval the annual statement of accounts and budget estimates.

(4) All meetings of the Board and Committees shall be convened by the Secretary under the directions of the Chairman. While preparing the agenda for a meeting of the Board or a Committee, the Secretary shall carry out the directions of the Chairman given in this respect and no item shall be placed on such agenda or be considered in the meeting without previous permission of the Chairman.

(5) The Secretary shall record the minutes and maintain the records of the proceedings of the Board and the Committees.

(6) The Secretary shall conduct the official correspondence of the Board under the authority of the Chairman except the correspondence relating to the conduct of examinations.
(7) All fees and dues payable to the board, and all sums received by the Secretary, shall be credited without delay to the account of the Board in a Bank or Treasury approved by the Board.

(8) The Secretary shall issue to successful candidates on behalf of the Board in the prescribed form certificates of having passed the Examinations held by the Board.

(9) The Secretary shall perform such other duties as may be assigned to him by the Chairman.

(10) Notwithstanding anything to the contrary in these Regulations the Board may assign to any other officer or officers such duties of the Secretary as it may deem necessary.

3. **Duties and powers of the Controller of Examinations:** The Controller of Examinations shall, subject to the control of the Chairman, be incharge of the Examination sector of the Board and shall:

   (i) make arrangements for the conduct of all examinations of the Board;

   (ii) conduct official correspondence of the Board relating to the Examinations; and

   (iii) perform such other duties as may be assigned to him by the Chairman from time to time.

4. **Constitution of the Academic Committee:** The Academic Committee shall consist of:

   (i) The Chairman of the Board;

   (ii) a University Professor nominated by the Vice-Chancellor of the University;

   (iii) a University Professor nominated by the Vice-Chancellor of the University of Islamabad;

   (iv) Chief Conservator of Forests of the Government;

   (v) Chief Engineer, of the Government;

   (vi) Director of Education;
(vii) Director of Agriculture of the Government;

(viii) Director Animal Husbandry of the Government;

(ix) Director of Industries of the Government;

(x) One representative each of the following groups of teaching Departments of the University nominated by the Controlling Authority namely:-

(a) Humanities and Social Sciences:
(b) Natural Sciences and Mathematics;
(c) Islamic Studies and Oriental Languages; and
(d) Other Languages:

(xi) Conveners of the Boards of studies of the University for the following subjects namely:-

(a) medicine;
(b) Commerce; and .
(c) Education;

(xii) The following members nominated by the controlling Authority:-

(a) five Conveners of Committees of Courses:
(b) three Principals of Colleges maintained by the Government of whom one shall be a woman;
(c) three Headmasters or Headmistresses Schools maintained by Government of whom one shall be a woman;
(d) one District Inspector of Schools;
(e) two Teachers of Intermediate Classes;
(f) four Teachers of Secondary Classes; and
(g) four other persons;
5. **Term of Office of Members of the Academic Committee:-**
The members of the Academic Committee, other than ex-officio members, shall hold office for two years.

6. **Quorum for the meetings:-** The quorum for the meetings of the Academic Committee shall be one-third of the total number of members, a fraction being counted as one.

7. **Powers and Duties of Academic Committee:-** (a) The Academic Committee shall have the general superintendence and control of and the responsibility for the maintenance of the standards of teaching and examination.

   (b) Without prejudice to the generality of the foregoing provisions and subject to such conditions as may be prescribed, the Academic Committee shall exercise the following powers and perform the following duties, namely:-

   (i) to determine the subject or subjects which shall be assigned to each Committee of Courses;

   (ii) to advise the Board on the qualifications of the teachers and examiners, their duties and conditions of appointment;

   (iii) to advise the Board on all academic matters including the general scheme of studies for an examination, the number of subjects to be included in an examination, the value of each subject in respect of marks to be assigned to it, and the conditions to be fulfilled for passing an examination and for being placed in a particular division; and

   (iv) to exercise such other powers and perform such other duties as may be prescribed.

8. **Constitution, powers and duties of the Appointments Committee:-** (1) The Appointments Committee shall consist of:

   (i) the Chairman of the Board;

   (ii) the Director Education of the Government;

   (iii) two nominees of the Controlling Authority.
(2) The Appointments Committee shall recommend the appointment, confirmation and scale of pay of officers or employees of the Board whose scales of pay carry an initial salary of three hundred rupees or more per mensem;

(3) The member of the Appointments Committee, other than the ex-officio members, shall hold office for two years.

(4) The quorum for a meeting of the Appointments Committee shall be three.

9. **Constitution and function of the Finance Committee:** (1) The Finance Committee shall consist of:

(i) the Chairman of the Board;

(ii) the Director of Education;

(iii) one Representative of the Finance Department of the Government; and

(iv) two nominees of the Controlling Authority.

(2) The functions of the Finance Committee shall be:-

(i) to examine the annual Budget and advise the Board thereon; and

(ii) to review the financial position of the Board periodically and, make recommendations to the Board for improving its finances.

(3) The members of the Finance Committee, other than the ex-officio members, shall hold office for two years.

(4) The quorum for the meetings of the Finance Committee shall be three.

10. **Constitution and functions of the Committee for appointment of Paper Setters and Head Examiners:** (1) There shall be a Committee for appointment of Papers Setters and Head Examiners and shall consist of:

(i) the Chairman of the Board;
(ii) the Director of Education;

(iii) the nominee of Controlling Authority.

(2) The functions of the Committee for appointment of Paper Setters and Head Examiners shall be to appoint Paper Setters and Head Examiners for all examinations conducted by the Board, after considering the recommendations of the Committee of Course in this behalf. Where a Committee of Courses does not make its recommendations within the time specified by the Committee for appointment of Paper Setters and Head Examiners, the Committee will make these appointments without the recommendations of the Committee of Courses.

11. Committee of Courses:-(1) There shall be a Committee of Courses for each subject or a group of allied subjects included in the courses of studies organized by the Board. Each such Committee shall consist of the following, namely:-

(i) two teachers of the subject from among the teachers of the Intermediate education, nominated by the Academic Committee;

(ii) two teachers of the subject from among the teachers of the Secondary Education, nominated by the Academic Committee;

(iii) two persons having experience of Intermediate Education or Secondary Education nominated by the Board; and

(iv) one expert in the subject nominated by the Chairman;

Provided that if in a subject the required number of teachers is not available, the Chairman may decide that the number of members of the Committee of Courses for the subject concerned may be less than seven or may permit the nomination of suitable persons who are not teachers, as members of a particular Committee of Courses.

(2) The term of office for the member of the Committee of courses shall be two years:

Provided that if a vacancy occurs during the course of two years, the member appointed to fill the vacancy shall hold office for the remaining term only.
(3) Each Committee of Courses shall consider academic matters relating to the subject or subjects with which it is concerned and shall recommend to the Academic Committee the Course of studies and text books to be prescribed as well as the conditions to be fulfilled for passing the relevant examination in the subject or subjects.

(4) Each Committee of Courses shall have a Convener who shall be nominated by the Board.

(5) The quorum for a Committee of Courses shall be four.

12. Notwithstanding anything contained in these Regulations when a person ceases to be member of a Committee, he shall cease to be member of any sub-Committee of which he may be a member by virtue of his membership of that Committee;

13. (1) The Board shall accord recognition, for the Secondary School Examination, to such schools as are within the jurisdiction of the Board in Azad Jammu and Kashmir if it is satisfied on the basis of the inspection report received from Education Department, that the Conditions prescribed for the recognition have been satisfactorily fulfilled.

(2) If the Board, on the basis of a report received from the Education Department, is satisfied that the conditions of recognition have ceased to be fulfilled by any school the Board may cancel the recognition.

(3) The Board may, if it considers necessary, arrange a special inspection of any school by an Inspection Committee appointed by it.

14. Audit:- (1) The Board shall appoint a whole time officer as Auditor for the purpose of auditing the bills to be paid from the funds of the Board. No expenditure shall be made from the funds of the Board, unless the bill for its payment has been audited by the Auditor in conformity with the Regulations and Rules.

(2) The statement of accounts of the Board, signed by the Secretary and the Auditor, shall be submitted to Government within six months of the closing of the financial year.
(3) The accounts of the Board shall be audited once a year, in conformity with the Regulations and Rules, by Auditors appointed by Government for this purpose

(Sardar Mohammad Abdul Qayyum Khan)  
President,  
Azad Govt. of the State of Jammu & Kashmir.

        
(Malik Mohammad Aslam Khan)  
Secretary Law,  
Azad Govt. of the State of Jammu & Kashmir.

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THE AZAD JAMMU AND KASHMIR POLITICAL PARTIES

Dated the 9th December, 1973

No. 2259/SL/73. The following Ordinance made by the President on the 9th December, 1973, is hereby published for general information:-

An Ordinance to provide for the formation and regulation of Political Parties in Azad Jammu & Kashmir;

Whereas it is expedient to provide for the formation and regulation of Political Parties in Azad Jammu and Kashmir;

And whereas the Legislative Assembly is not in Session and the President is satisfied that emergency has arisen which renders immediate legislation necessary for peace and good Government of Azad Jammu and Kashmir;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all other powers enabling him in that behalf, the President, Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title, Application and Commencement:** (1) This Ordinance may be called the Azad Jammu and Kashmir Political Parties Ordinance, 1973.

   (2) It shall apply to all the Political Parties and members of the Legislative Assembly.

   (3) It shall come into force at once.

2. **Definitions:** (1) In this Ordinance, unless there is anything repugnant in the subject or context:-

   (a) “foreign aided party” means a political party which:-

   (i) has been formed or organized at the instance of any Government or political party of a foreign country; or

   (ii) is affiliated to or associated with any Government or political party of a foreign country; or
(iii) receives any aid, financial or otherwise, from any Government or political party of a foreign country, or a substantial portion of its funds from foreign nationals:

(b) “High Court” means the High Court of Azad Jammu and Kashmir;

(c) “Government” means the Azad Government of the State of Jammu and Kashmir;


(e) “Gazette” means the official Gazette of the Azad Government of the State of Jammu and Kashmir;

(f) “Legislative Assembly” means the Azad Jammu and Kashmir Legislative Assembly;

(g) “Political party” means a body of individuals or an association of persons setting up an organizational structure or collecting funds or owning property, with the object of propagating political opinions or indulging in any other political activity in Azad Jammu and Kashmir.

3. **Formation of certain political parties prohibited:** (1) No political party shall be formed with the object of propagation any opinion, or acting in a manner, prejudicial to the Islamic Ideology or the accession of the Jammu and Kashmir State to Pakistan or security of Azad Jammu and Kashmir.

4. **Lawful political activities:** Subject to the provisions of Section 3, it shall be lawful: (1) for any body of individuals or association of persons to form, organise or set up a political party;

(2) for any person to be a member or office bearer of, or be otherwise associated with, a political party; or

(3) for any person, for the purpose of an election to be held under the Government Act or any other Act in force in Azad Kashmir, to hold himself out or any other person as a member, or to have the support, of a political party, the formation, organisation the setting up of which is not prohibited by this Ordinance.
5. **Disqualifications for being a member of a political party:**

(1) No political party shall have as its member or office bearer any person who is disqualified under sub-section (2).

(2) A person shall be disqualified for being a member or office bearer of a political party:

(a) if he has been convicted of any offence and sentenced by an ordinary Court of law to transportation or to imprisonment for not less than two years, unless a period of five years has elapsed since his release;

(b) if he has been disqualified from holding public office under the Azad Jammu and Kashmir Elective Body and Public Offices Disqualifying Act, 1961, unless the period of his disqualification has expired;

(c) if he has been dismissed from the service of, Azad Kashmir or Pakistan, unless a period of five years has elapsed from the date of his dismissal.

6. **Reference to High Court regarding certain parties:**

(1) Where the Government is of the opinion that any political party has been formed or is operating in contravention of section 3, it shall refer the matter to the High Court, and the decision of the High Court on such question, given after hearing the person or persons concerned, shall be final;

(2) Where the high Court, upon a reference under sub-section (1), has given a decision that a political party has been formed or is operating in contravention of section 3, the decision shall be published in the Gazette, and upon such publication, the political party concerned shall stand dissolved and all its properties and funds shall be forfeited to the Government.

7. **Penalty:**

(1) If any person who is disqualified under sub-section (2) of section 5 becomes a member or office bearer, or holds himself out as a member or office bearer, of a political party, he shall be punishable with imprisonment for a term which may extend to two years, or with fine of Rs. 20,000/- or with both.

(2) Any person who, after the dissolution of a political party under sub-section (2) of section 6, holds himself out as a member or office bearer of that party, or acts for, or otherwise associates himself with, that party, shall be punishable with imprisonment
for a term which may extend to two years, or with fine of Rs.20,000/- or with both.

8. Certain Disqualifications for being a member of the Legislative Assembly:- (1) Any member of the Legislative Assembly who acts in a manner prejudicial to the accession of the Jammu and Kashmir State to Pakistan, shall cease to be a member of the Legislative Assembly from the time and date of such act for the un-expired period of his term.

(2) A person who has been an office bearer of a political party dissolved under sub-section (2) of section 6 or who has been convicted under section 7 shall be disqualified from being elected as a member of the Legislative Assembly for a period of five years from the date of such dissolution or conviction, as the case may be.

(3) If a person being either on the strength of a political party in the Legislative Assembly or having been elected to the Legislative Assembly as a candidate or nominee of a Political Party, withdraws himself from it, or acts in a manner prejudicial to the party interest, he shall cease to be a member of the Legislative Assembly from the time and date of such withdrawal or prejudicial act for the un-expired period of his term.

9. Sanction for Prosecution:- No prosecution under this Ordinance shall be instituted against any person without the previous sanction in writing of the Government.

Sardar Mohammad Abdul Qayyum Khan
President,


An Ordinance to amend the New Mirpur Town (Allotment of Land) Act, 1964;

Whereas it is necessary to amend the New Mirpur Town Allotment of Land Act, 1964, for the purpose hereinafter appearing;

And whereas the Legislative Assembly is not in session and the President is satisfied that circumstances exist and the emergency has arisen which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Section 24 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf, the President Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:** (1) This Ordinance may be called the New Mirpur Town Allotment of Land Act (Amendment) Ordinance, 1973.

   (2) It shall come into force at once.

2. **Addition of sub-section (5) in Section 7:** In Section 7 of New Mirpur Town Allotment of Land Act, 1964, after sub-section (4) a new sub-section (5) shall be added, namely:-

   “(5) Notwithstanding anything contained in the New Mirpur Town Allotment of Land Act, 1964 and rules made thereunder the Government shall be competent to cancel any allotment made, or any order passed by the Committee under the said Act.”

Sardar Mohammad Abdul Qayyum Khan
President,

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In exercise of the powers vested under section 56 of the Pakistan (Administration of Evacuee Property) Act, 1957, as in force in Azad Jammu and Kashmir, the President of the Azad government of the State of Jammu and Kashmir, is pleased to make the following amendments in the Evacuee Property Allottees (Compensation) Order, 1967, namely:-

1. Amendment of the preamble of the Evacuee Property Allottees (Compensation) (Amendment) Order, 1973:-

   In the Evacuee Property Allottees (Compensation) Order, 1967, hereinafter referred to as the said Order, 1967, in the preamble the words ‘for the execution of Development Schemes’ shall be deleted.

2. Amendment of section 2 of the Evacuee Property Allottees (Compensation) Order, 1967:-

   In the said Order, in section 2:

   (i) In sub-section (2) the words for the execution of any Development Scheme out of Development Funds or Rural Works Funds shall be deleted; and

   (ii) sub-section (3) shall be deleted.

3. Amendment of section 3 of the Evacuee Property (Allottees Compensation) Order, 1967:-

   In the said Order, in section 3, for the words “for the execution of any Development Scheme” the words ‘any public purpose’ shall be substituted.

   Sd/- Section Officer Rehabilitation

No. Reh/2986-3025/73 Dated 22-9-73.
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR TRANSPORT DEPARTMENT

NOTIFICATION NO. TRANSPORT/1798/CS/73
DATED 24th May, 1973

In exercise of the powers conferred by section 22, 43, 68, 69, 70, 74, 96, of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971 the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:-

THE AZAD JAMMU AND KASHMIR MOTOR VEHICLES RULES, 1973

CHAPTER I
PRELIMINARY

1. **Short title, extent and commencement:**- (1) These rules may be called the Azad Jammu and Kashmir Motor Vehicles Rules, 1973;

   (2) They shall extend to the whole of the Azad Jammu and Kashmir.

   (3) They shall come into force at once.

2. **Definitions:**- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:

   (a) “articulated vehicle” means a motor vehicle to which a trailer is attached in such a manner that part of the trailer is superimposed on, and part of the weight of the trailer is borne by the principal vehicle;

   (b) “Government” means the Azad Government of the State of Jammu and Kashmir;

   (c) “Form” means a form set forth in the first Schedule to the Ordinance or appended to these rules;

   (d) “Forwarding Agent” means any registered firm or a company with liability engaged in the business of booking goods
for transit from one place to another and permitted under Chapter VII of the rules to use a place for the loading, unloading and halting of goods vehicles;

(e) “Motor cab rickshaw” means a motor cab, with three wheels, the unladen weight of which does not exceed 900 pounds avoirdupois, constructed, adapted or used to carry not more than two passengers excluding the driver;

(f) “Motor cycle rickshaw” means a motor vehicle with three wheels, the unladen weight of which does not exceed 900 pounds avoirdupois, constructed, adapted or used for private purposes, other than for hire or reward, to carry not more than two persons excluding the driver;

(g) “Motor Vehicles Examiner” means an officer appointed by the Chairman Transport Authority under rule 34;


(i) “Passenger” for the purpose of the rules in Chapter IV means any person traveling in a public service vehicle other than the driver or the conductor or an employee of the permit holder while on duty;

(j) “Pounds” means pounds avoirdupois;

(k) “Province” means Azad Jammu and Kashmir State;

(l) “Section” means a section of the Ordinance;

(m) “Urban area” means the area of a municipality, small town or cantonment, or other local area which may be specially notified by Government as an urban area.

3. **Payment of Fees:** The fees prescribed in these rules shall be paid in advance in accordance with the instructions and manner notified by Government from time to time.

4. **Powers of Government to exempt motor vehicles from the operation of the rules:** Government in consultation with the Transport Authority or the Chairman, Provincial Transport Authority, if authorised by that authority in this behalf, may, by
order in writing, exempt any motor vehicles or class of motor vehicles from the operation of all or any of these rules.

CHAPTER II
LICENSING OF DRIVERS OF MOTOR VEHICLES

5. Licensing Authority:- (1) The licensing authority shall be the superintendent of Police of the district or other gazetted police officer nominated by him to act as such on his behalf.

(2) The area of jurisdiction of each Licensing authority shall be the area of the district.

6. Authorisation to drive a public service vehicles:- (1) No person shall drive a public service vehicle unless in his license as authorisation in Form C to the Ordinance has been granted or countersigned by a licensing authority;

(2) No person shall drive a public service vehicle on any road specified in the First Schedule to these rules unless the words “Valid also for Hill Roads” have been added to the aforesaid authorisation by the appropriate licensing authority;

(3) Subject to the provisions of sub-rule (4) a holder of a driving licence may at any time apply to the licensing authority in Form L.P.S.A. for the grant or countersignature of the aforesaid authorisation and shall forward his driving licence with such application.

(4) No authorisation to drive a motor cab, other than a motor cab rickshaw, shall be granted unless the applicant holds a valid licence to drive a motor car for one year or more. Similarly, no authorisation to drive a public service vehicle, other than a motor cab, shall be granted unless the applicant has previous experience in driving a heavy transport vehicle at least for one year; No such restriction shall apply in the case of licence to drive a motor cab rickshaw:

Provided that Government, if satisfied that any vehicle or class of vehicles can without danger to public safety be permitted to be driven without insisting on such previous experience as aforesaid, may by general or special order, exempt applicants for authorisation to drive such vehicle or class of vehicles from the operation of this sub-rule.
(5) The licensing authority to which application is made as aforesaid may, if it thinks fit in order to ascertain whether the applicant is a fit person for being granted the authorisation, make enquiries into his character and antecedents and by a notice in writing summon him to appear before it at such time and place as it may appoint and may in the case of the holder of a driving licence issued outside the Province or in the case of an application under sub-rule (7) require the applicant to pass the test as set forth in the Third Schedule to the Ordinance notwithstanding that the applicant shall previously have passed the test.

(6) If the licensing authority is satisfied that the applicant is in all respects fit to be authorized to drive a public service vehicle, the driving licence shall be signed or countersigned accordingly. The licensing authority shall then return the driving licence to the applicant thereof and shall at the same time, if the driving licence was issued by a different licensing authority, send an intimation in Form L.P.S. to such a licensing authority. The licensing authority shall refuse to grant or countersign the authorisation if it finds that the applicant is not a fit and proper person to be charged with the safe carriage of passengers and property.

(7) Notwithstanding anything hereinbefore contained, no person shall be authorised to drive a motor cab or a motor cab rickshaw within the Azad Kashmir, unless the appropriate licensing authority is satisfied that such a person has adequate knowledge of the topographic features of Azad Kashmir and has granted or countersigned the authorisation accordingly.

(8) Where a person holding an authorisation to drive a public service vehicle makes an application for its renewal, then he shall, if so required by the licensing authority, submit himself to medical examination to a registered medical practitioner and shall obtain a certificate in Form B (as set forth in the First Schedule to the Ordinance) and forward it to the licensing authority together with the driving licence.

(9) If the licensing authority on considering the certificate received by him under sub-rule (8) is of opinion that the applicant is suffering from a disease which makes driving of a public service vehicle by him undesirable, it may after giving the applicant an opportunity of being heard refuse to renew the authorisation applied for.
(10) If a licensing authority refuses to issue or cancels or refuses to renew any licence it shall do so only after giving the applicant an opportunity of being heard.

7. **Power to make inquiries of applicant for driving licence:**
Upon the receipt of an application for a driving licence, the licensing authority may make such inquiries as may reasonably be necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified for holding or obtaining a driving licence.

8. **Testing Officers:**
(1) The test of competence to drive as set forth in the Third Schedule to the Ordinance, shall be conducted:

(a) in the case of an application for a licence to drive transport vehicle, other than delivery van, or to drive any vehicle as a paid employee, by a Board consisting of:

(i) the Secretary Regional Transport Authority of the area concerned;

(ii) the Motor Vehicles Examiner of the area concerned; and

(iii) a representative of Traffic Branch of the Police Department.

The quorum of the meeting of the Board shall be two members, and one of the two shall be the Motor Vehicles Examiner;

(b) in the case of a licence to drive any other vehicle, by an Inspector or Sub-Inspector or Sergeant of Police authorised by the Superintendent of Police in this behalf:

Provided that in either case a second test may be conducted, if and when so required, by any officer authorised in this behalf by Government in consultation with the Inspector General of Police, Azad Kashmir,

(2) Subject to sub-section 7, the applicant shall furnish a serviceable vehicle of the class to which the application refers and present himself for the test at such time and place as may be specified by the licensing authority or the testing officer.
(3) The fee payable by the applicant for the test of competence to drive shall be five rupees for each test and shall be paid before the test is commenced. It shall not be refunded in any circumstances:

Provided that no fee for the test of competence shall be payable by the applicant:

(a) if he is employed in the service of the Government for driving a motor vehicle; or

(b) if he is an ex-service man and produces a certificate of proficiency in driving a motor vehicle from an officer of the Armed Forces of Azad Kashmir or Pakistan; or

(c) if he has been exempted by special or general order of the Government.

9. Appellate authority:— (1) The authority empowered under sub-section (3) of section 14 and sub-section (3) of section 16 to hear appeal against the decisions of an incensing authority shall be the Assistant Inspector-General of Police having jurisdiction in the District.

(2) The authority empowered under sub-section (4) of section 17 to hear appeals against the decisions of a Regional Transport Authority shall be Chairman Provincial Transport Authority.

10. Conduct and hearing of appeals:— (1) An appeal under rule 9 shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear a court fee of one rupee, setting forth concisely the grounds of objection to the order of the Licensing authority or the Regional Transport Authority, as the case may be, and shall be accompanied by a certified copy of that order.

(2) When an appeal is lodged a notice shall issue to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.

(3) The appellate authority, after giving an opportunity to the parties to be heard, and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order from which the appeal is preferred and shall make an order accordingly.
(4) Any person preferring an appeal under the provisions of the Ordinance and of the rule shall be entitled to obtain a copy of any document filed with the licensing authority in connection with any order against which he is appealing, on payment of a fee at the rate of fifty paisa per page.

11. **Photograph to be affixed to the medical certificate:**

   (1) The photograph to be affixed to the medical certificate of fitness in Form B of the on licence shall be firmly affixed to the form and the medical practitioner shall affix his signature or seal to the photograph in addition to signing the form.

   (2) The licensing authority may decline to accept a medical certificate of fitness granted more than one month before the date of application for the grant or renewal of a licence as the case may be.

12. **Requirements as to Photograph:**

   (1) The copies of the photograph required by sub-section (4) of section 7 shall be not more than two inches by two inches and a half in size.

   (2) The photograph of the licence holder when affixed to the licence shall be sealed with the seal of the licensing authority in such a manner that part of the impression of the seal is upon the photograph and part on the margin.

   (3) If at any time it appears to a licensing authority that the photograph affixed to a licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the licence forthwith and to furnish two clear copies of a recent photograph of himself, and the holder shall, within such time as the licensing authority and present the photograph accordingly.

   (4) Upon receipt of the copies of the photograph as provided in the preceding sub-rule, the licensing authority shall remove the old photograph from the licence and affix and seal thereto one copy of the new photograph and return the licence to the applicant, and shall, if he is not the licensing authority by whom the licence was issued, forward, the licence alongwith two attested copies of the recent photograph to the authority who issued the same. These photographs shall be compared with the photograph on record with the licensing authority, and, if in order, affix one copy on the licence and after sealing the photograph, return the licence to the licensing authority to whom
the application was made and such authority shall return the
licence to its holder. The other copy of the photograph shall be
retained on the record of the issuing authority:

Provided that if that holder of the licence so desires the
licensing authority shall issue a duplicate licence with the new
photograph affixed thereto and shall destroy the original licence.

(5) When a new photograph is affixed to a licence, a note shall
be made upon the photograph of the date of affixture.

(6) The fee for a duplicate licence issued under the provision to
sub-rule (4) shall be five rupees.

13. Licences lost or destroyed- (1) If at any time a licence is lost by
the holder or is destroyed, the holder shall forthwith intimate the
facts in writing in Form L.I.D. or in a letter setting out the
particulars required by Form L.L.D. to the licensing authority in
whose area he has his place of resident at the time.

(2) Upon the receipt of intimation as aforesaid the licensing
authority shall, if he is not the authority by whom the licence
was issued, forward the application alongwith the two attested
copies of recent photograph to the licensing authority concerned,
concerned, who after making such enquiries as he thinks fit shall,
if he is satisfied that a duplicate may be issued, issue a duplicate
and send it to licensing authority to whom the application was
made, and it shall return the duplicate to the holder thereof.

(3) Where a photograph is required to be affixed to a duplicate
licence issued under the provisions of these rules the holder of
the licence, shall furnish the licensing authority with two clear
copies of a recent photograph of himself, one of which shall be
affixed to the duplicate licence.

(4) The fee for a duplicate licence issued under the rule shall be
five rupees: provided that if the licence is lost while in the
custody of a court or an authority to which it has been submitted
or surrendered in pursuance of the provisions of the Ordinance or
these rules, a duplicate copy shall be issued free of charge.

(5) When a duplicate licence has been issued upon
representation that a licence has been lost and the original
licence is afterwards found by the holder he shall deliver it
forthwith to the licensing authority who issued the duplicate.
(6) Any other person finding a driving licence shall deliver it to the nearest Police Station or nearest licensing authority. The Officer in-charge of the Police Station, on receipt of the driving licence, shall immediately forward it to the nearest licensing authority. The licensing authority shall restore the driving licence in case the duplicate driving licence has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

14. **Defaced or torn licences**: (1) If at any time it appears to a licensing authority that a licence held by any person is so torn or defaced that it has ceased to be reasonably legible or that any important part of the original licence has been detached or is missing or that any un-authorised alterations have been made, the licensing authority may impound the licence and issue a duplicate.

(2) If any of the entries are illegible or are missing or it appears that they have been detached or altered without authority, the licensing authority shall, if he is not the authority by whom the licence was issued, forward the licence alongwith two attested copies of recent photographs, to licensing authority concerned, who after making such enquiries as he thinks fit, shall, if he is satisfied, that a duplicate may be issued, issue a duplicate and send it to the licensing authority, who impounded the license, and it shall be delivered to holder. If it is established that deliberate alteration has been made in the licence, the licensing authority shall be competent to cancel the licence after offering an opportunity of being heard to the holder of such a licence.

(3) If a licence impounded as aforesaid is required to have a photograph of the holder affixed thereto, then:-

(i) if the photograph on the impounded licence is in the opinion of the licensing authority satisfactory and conveniently transferable to the duplicate licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate license; or

(ii) if the photograph affixed to a licence impounded under the provision of sub-rule (1) is not in the opinion of the licensing authority such as can be transferred to the duplicate licence, the holder of the licence shall on demand by the licensing authority, furnish two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate licence
and sealed and the other shall be recorded by the licensing authority by whom the licence was issued.

(4) The fee for a duplicate licence issued under this rule shall be five rupees.

15. **Issue of duplicate licences**: When a duplicate licence is issued under rule 12, rule 13 or rule 14, it shall be clearly stamped “Duplicate” in red and shall be marked with the date of the issuer of the duplicate and the seal of the licensing authority.

16. **Temporary authorisation in lieu of a licence**: (1) When the holder of a licence has surrendered it to a licensing authority or other authority for renewal or for obtaining an endorsement to drive a public service vehicle, or for any other purpose under the Ordinance or these rules, and has deposited the prescribed fee, and the licence has not been suspended or cancelled, the licensing authority or other authority shall furnish him with a receipt for the licence in Form L, Tem or Form L, Tem (Police) and during such time as the receipt shall be specified to remain in force it may be produced in place of the licence under sub-section (1) of section 87.

(2) The granting authority in the case of a receipt in Form L, Tem, or a Magistrate of the first class in the case of a receipt in Form L, Tem (Police), may at his discretion extend the term of the receipt issued under the preceding sub-rule by order endorsed thereon provided that a Magistrate shall not extend the term of a receipt if the holder of the licence is present before him and the licence is available in court.

(3) No fee shall be payable in respect of a receipt given under this rule.

17. **Procedure when licence is forwarded to a Court**: (1) Notwithstanding the proviso to sub-section (3) of section 87, in cases where a driver driving as paid employee or the driver of a transport vehicle has forwarded his licence to a Court under sub-section (2) of section 116, it shall subject to the condition in sub-rule (2) be a sufficient compliance with section 87 if he produces the licence within ten days (or in the case of any driver, if he does not receive the licence back from the Court within ten days, then within four days of its receipt) at a police station or such other place in the region as may be specified by the police officer or other authority making the demand.
(2) No driver shall be entitled to the benefit of sub-rule (1) unless he exhibits to the police officer or authority who has demanded the production of his licence:-

the summons received by him from the Court, being a summon requiring him to attend on a date not more than fourteen days before or after the date on which the demand is made, and postal receipt for the registered letter under which the licence has been forwarded to the Court.

18. **Learner’s driving licence**: (1) Section 3 shall not apply to any person driving a motor vehicle in a public place during the course of receiving instructions or of gaining experience in driving with the object of presenting himself for the test required by sub-section (6) of section 7, so long as:-

(i) the driver has obtained and carries a learner’s driving licence in Form L. Lr. entitling him to drive the vehicle;

(ii) there is, beside the driver, in the vehicle as instructor a person duly licensed to drive the vehicle and sitting in such a position as to be able readily to stop the vehicle;

(iii) there is affixed both to the front and rear of the vehicle a white plate or card seven inches square, bearing the letter “L” in red four inches high and three and a half inches wide;

(iv) no fare-paying passengers are carried in the vehicle:

Provided that clause (ii) shall not apply to a person driving a two-wheeled motorcycle with or without a side-car attached.

(2) A separate application for a learner’s driving licence for each type of a motor vehicle shall be made in Form L. Lr. A to the licensing authority having jurisdiction in the area in which the applicant ordinarily resides and shall be accompanied by a fee of rupees five.

(3) An applicant for a learner’s driving licence shall, if so required by a licensing authority, present himself for a preliminary oral test in the road traffic regulations.
(4) A learner’s driving licence shall be valid for a period of six months and may be renewed for a further period of six months on payment of a fee of rupees two for each renewal.

(5) A licensing authority may after giving an opportunity of being heard refuse to issue or renew a learner’s driving licence or may revoke such a licence issued by it for reasons to be recorded in writing which should be communicated to the applicant or the learner’s driving licence holder, as the case may be.

(6) Any person aggrieved by an order under sub-rule (5) may appeal within thirty days to the Inspector General of Police whose decisions shall be final.

(7) A person driving as a learner shall produce his learner’s driving licence for examination on the demand of any police officer in uniform.

19. **Disqualification under sections 16 and 17:-** (1) A licensing authority taking possession of a licence under sub-section (2) of section 16 shall, if the licence was issued under the Ordinance and was granted by another licensing authority, intimate the fact to that authority.

(2) A Regional Transport Authority, before declaring a person disqualified for holding or obtaining a licence to drive a transport vehicle in the Province Azad Kashmir State shall give such a person an opportunity of being heard.

(3) When a Regional Transport Authority declares a person disqualified under sub-section (1) of section 17, it shall, if the person holds a licence, endorse the licence accordingly and shall send intimation of such declaration to the authority by whom the licence was issued.

20. **Intimation to original authority of endorsement and renewals:-** (1) The Court making or causing to be made an endorsement on a licence under section 20 shall send intimation in Form L.E. to the licensing authority by whom the licence was issued and to the licensing authority by whom it was last renewed.

(2) A licensing authority renewing a licence under the provisions of sub-section (5) of section 12 shall intimate the fact
to the licensing authority by whom the licence was issued in Form L.R.

21. **Change of address of licence holder:** The holder of a licence entitling him to drive as a paid employee or to drive a public service vehicle shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three month’s report any change of his temporary or permanent address as notified on the licence to the licensing authority by whom the licence was issued and to the licensing authority by whom it was last renewed.

22. **Schools of motoring:**

   (1) No person shall engage in the business of giving instruction in the driving of motor vehicles nor shall any person advertise or otherwise publicly undertake to give such instruction, without a licence and constituting the said person as a school of motoring.

   (2) Any person desiring to obtain a licence for enabling him to engage in the business referred to in sub-rule (1) shall make an application for the purpose to the licensing authority of the area in which he has his place of business.

   (3) The licensing authority may, on receipt of an application under sub-rule (2), grant a licence in Form M.S; to the applicant for engaging in the business of giving instruction in the driving of motor vehicles or for advertising or otherwise publicly undertaking to give such instructions as may be specified in the application and subject to compliance with such conditions, if any as may be specified in the licence and constitute the applicant a school of motoring or may refuse to grant a licence. Where a licence is refused, the licensing Authority shall furnish the applicant an order in writing setting forth the reasons of such refusal.

   (4) A licence granted under sub-rule (3) shall be valid for a period of three years and may be likewise renewed from time to time.

   (5) The licensing authority shall in exercising its powers in granting or renewing or refusing a licence under this rule have regard to the following factors, that is to say, that:

   (i) the applicant and staff are of good moral character and qualified to give instruction;
(ii) the premises where the school is proposed to be conducted is either owned by the applicant or hired in his name and consists of at least one room commodious enough to accommodate the students under training and sufficient to provide for amenities such as water-taps and lavatories;

(iii) the financial resources of the proposed school are sufficient to provide for its continued maintenance;

(iv) the applicant maintains at least two motor cycles, two motor cars two light transport vehicles and one heavy motor vehicle of each of these categories of motor vehicle for which he desires a licence:

Provided that the vehicles required to be maintained are all registered in the name of applicant, or available exclusively for training purposes, and except for motor cycles, are fitted with dual control;

(v) the applicant maintains the following apparatus and equipment, namely: -

a. Black-board;

b. Road plan board with necessary Toy Signals and cars;

c. Traffic sign chart;

d. Road signals chart;

e. Service Chart detail view of all components of motor vehicles.

f. Engine assembly, rear Axle assembly, gear box assembly of one of the well-known makes such as Chevrolet or; Ford V-8, Dodge, Fargo, except where the applicant desires to give instructions in riding of motor cycles; only; (Sectionalized as to reveal the working parts).

g. Chassis assembly of (one of the well-known makes, such as Ford, Chevrolet, Leyland, Bedford, Dodge Austin) complete steering mechanism, suspension, axles and brake drum shoes, except where the applicant desires to give instructions in riding of motor cycles only;
h. puncture repair kit with tyre lever, wheel brace, jack, tyre-pump and tyre pressure gauge;

i. Spanners (a set each of fixed spanners, box spanners, pliers, screw drivers, screw spanners and a hammer);

j. Driving Instruction Manual;

k. The Pakistan Highway Code;

l. Desks for students and work benches;

m. Complete electrical equipment on a bench to demonstrate the working of lights, self-starter dynamo cut-out, battery and switches;

(vi) the applicant or any member of the paid staff employed by him for giving instructions possess the following qualifications, namely:-

a. at least 5 year’s driving experience in addition to a certificate in motor mechanics course or any other equivalent qualification from an institution recognised by Government;

b. a thorough knowledge of traffic signs specified in the Eight Schedule to the Ordinance and of the driving regulation specified in the Ninth Schedule to the Ordinance, so as to be able to impart instructions therein to the satisfaction of the licensing authority;

c. ability to demonstrate and explain the functions of different component parts of the vehicles in his possession, to the satisfaction of the licensing authority;

d. adequate knowledge of either English or Urdu so as to be able to impart all the instructions in the said language;

e. an Audut First Aid Certificate issued by the St John Ambulance Association (Pakistan);

(vii) the applicant maintains fully equipped first-aid sets for use in emergencies at the premises of the training school and in each of the vehicles used for training;

(viii) the need of a school of motoring in the particular locality:
Provided that before passing an order of refusal to renew, the Authority shall give to the licensee an opportunity of showing cause against the proposed order.

(6) The applicant shall maintain a record with photographs of the students attending the school from time to time, the duration of their instructions and the date on which they passed the test in driving specified in the Ordinance,

(7) The licensee shall submit to the licensing authority such information and such returns as may be called for by it.

(8) The licensee shall:

a. not alter the place of business of the school of motoring mentioned in the licence without the prior approval of the licensing authority obtained in writing;

b. keep the premises of the school at all reasonable times for inspection by any person deputed by the licensing authority;

(9) It shall be lawful for a licensing authority by an order in writing to approve the nature and duration of courses of instruction and the number of pupils to be instructed at any one time,

(10) The fees to be charged by a licensee shall be at such rates as may be fixed by the licensing authority and the fees so fixed shall not be varied without the prior approval of such authority. Special fees may, subject to the approval of the licensing authority, be charged for special courses.

(11) The licensing authority may by order in writing suspend or cancel a licence granted under sub-rule (3) if a licensee:

a. fails to maintain the equipment, vehicles and other matters referred to in sub-rule (5) in accordance with the standard envisaged by that sub-rule, or fails to comply with the provisions of that sub-rule or any other provisions of this rule; or

b. fails to maintain the vehicles of the school in accordance with the provisions of these rules; or
c. does not impart proper instructions as indicated by the results of driving tests or otherwise; or

d. for any other reason considered sufficient:

Provided that no such order shall be made unless:

a. the reasons for suspension or cancellation of a licence are recorded in the order and the copy of the order is furnished to the licensee; and

b. the licensee has been given an opportunity of showing cause against the order which the licensing authority proposes to make.

(12) Where the licence is cancelled or suspended under sub-rule (11), Form M.S. shall be surrendered to the licensing authority by the holder thereof.

23. **Appellate Authority:** (1) The authority to hear appeals against any of the following orders passed by the licensing authority under rule 22, shall be the Inspector General of Police having jurisdiction in the District, namely:-

a. order granting suspending or canceling a licence for the establishment of a school of motoring;

b. order refusing a request to alter the place of business of the school of motoring;

c. order fixing the rate of fees or refusing approval to the charging of special fees for special courses;

d. any order passed under sub-rule (9) of that rule.

(2) Any person aggrieved by any such order passed by the licensing authority may, within thirty days of the date of the receipt of such order, appeal to the Inspector General of Police.

24. **Conduct and hearing of appeals:** (1) An appeal under rule 23 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objections to the order of the licensing authority and shall be accompanied by a fee of rupees two and a certified copy of such order.
(2) When an appeal is lodged a notice shall issue to the licensing authority in such form as the appellate authority may direct.

(3) The appellate authority, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order of the licensing authority and shall make an order accordingly.

(4) Any person preferring an appeal under rule 23 shall be entitled to obtain a copy of any document filed with the licensing authority in connection with any order against which he is preferring an appeal, on the payment of a fee of rupees two in respect of each such document.

(5) Subject to the provisions of sub-rule (4), the appellate authority or the licensing authority may, in his or its discretion give any person interest in such appeal, copies of any documents connected with the appeal, on payment of a fee of rupees two per copy of each document.

25. **Fees for the issue and renewal of driving licences**:- The following fees shall be payable respectively for the issue and renewal of driving licences under sub-section (9) of section 7 and sub-section (4) of section 12:-

   (i) fee for the issue of driving licence, Rs. 10.00.

   (ii) fees for the renewal of driving licence:

   a. where the application for renewal is made within thirty days from the date of expiry of the licence, Rs. 5.00.

   b. where the application for renewal is made after thirty days of the date of expiry of the licence, Rs. 10.00.

26. **Certain person to be exempted from driving licence fees**:- No fee shall be charged:-

   a. for the issue or renewal of a driving licence or a learner’s driving licence:-

   (i) to a person employed in the service of the Government for driving a motor vehicle; or
(ii) to such Foreign Consular Officer de Carriere or to such class of persons as Government by a general or special order specify in this behalf;

b. for the issue or renewal of a driving licence to an ex-service man holding a certificate or proficiency in driving a motor vehicle from an officer of the Armed Forces of Azad Kashmir/Pakistan.

CHAPTER III
REGISTRATION OF MOTOR VEHICLES

27. Registering authority:-(1) The registering authority shall be the Excise and Taxation Officer of the District.

(2) The area of jurisdiction of each registering authority shall be the area of the District.

(3) The registering authority, before canceling or suspending the certificate of registration of a motor vehicle, shall give the owner an opportunity of being heard.

28. Appellate authority:-(1) The authority to hear appeals against any appealable order passed by a registering authority under Chapter III or the Ordinance shall be the Collector, Excise and Taxation having jurisdiction in the district.

(2) The authority to hear appeals against any order passed to suspend certificate of registration under section 34 read with rule 44 shall be the Collector, Excise and Taxation having jurisdiction in the area.

(3) The authority to hear appeals against an order in respect of a certificate of fitness under section 39 read with rule 34 shall be the Superintendent of Police having jurisdiction in the area in which the order was passed.

29. Conduct and hearings of appeals:- (1) An appeal under rule 28 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order of the registering authority or the Motor Vehicles Examiner, as the case may be, and shall be accompanied by a fee of rupees five and a certified copy of that order. The Collector, Excise and
Taxation, or the Superintendent of Police, as the case may be, may, if the appeal succeeds, refund the fee in whole or in part, as he thinks fit.

(2) The appellate authority after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order of the registering authority or the Motor Vehicles Examiner or the Court, as the case may be, and shall make an order accordingly.

(3) Any person preferring an appeal under rule shall be entitled to obtain a copy of any document filed with the registering authority or the Motor Vehicles Examiner or the Court in connection with any order against which he is preferring an appeal on the payment of a fee of rupees two in respect of each such document.

(4) Subject to the provisions of sub-rule (3) the Collector, Excise and Taxation or the Superintendent of Police may give any person interested in such appeal, copies of any document connected with the appeal, on payment of a fee of rupees two per copy each document.

30. **Assignment of registered weights:**- In assigning any weight other than the unladen weight to a transport-vehicles under section 28, the registering authority may, if the owner so desires, assign a weight less than the maximum permitted by the provisions of that section as the registered laden weight or the registered axle weight of any axle.

31. **Assignment and exhibition of registration marks:**- (1) The registration marks to be assigned under sub-section (3) of section 25 are set forth in the Sixth Schedule to the Ordinance.

(2) The registration mark shall be clearly and legibly exhibited on a plane surface on a plate or part of the vehicle both at front and rear facing direct to the front or rear, as the case may be, in the manner hereinafter specified. Motor vehicles owned by Government Departments, except those of the Special Branch, shall carry the distinctive registration plate in the form illustrated in the Second Schedule to these rules. The name of the Department to which the vehicle belongs shall be shown in this plate. In the case of a public service vehicle, the registration mark shall also be exhibited on a plane surface inside the vehicle, above the windscreen.
(3) The registration mark shall be in Urdu letters and numerals, and:-

a. save in the case of a motor cycle or a motor cab rickshaw or a motor cycle rickshaw or an invalid carriage the letters shall be not less than two and half inches high and five eights of an inch thick at any part; the numeral shall not be less than three and a half inches high and three quarter of inch thick at any part, and there shall be a space between any letter and any numeral, and between any letter or numeral and the edge of the plane surface, of not less than half an inch and a space between any two letters and between any two numerals of not less than three eights of an inch;

b. in the case of a motor cycle or a motor cab rickshaw or a motor cycle rickshaw or an invalid carriage the letters shall be not less than one and two-thirds inches high and five twelfths of an inch thick at any part; the numerals shall be not less than two and a third inches high and half an inch thick at any part, and there shall be a space between any letter and any numeral, and between any letter or numeral and the edge of the plane surface, of not less than a third of an inch and a space between any two numerals of not less than a quarter of an inch.

(4) The plane surfaces aforesaid shall not be inclined from the vertical by more than thirty degrees. The letters and numerals, shall be exhibited in the following manner:-

a. in the case of a transport vehicle, other than a motor cab excluding a motor cab rickshaw, both registration marks as signed to the vehicle shall exhibit the letters and numerals in two separate horizontal lines, the letters above and the numerals below:

b. in all other cases, the registration marks may exhibit the letters and numerals either in two horizontal lines as aforesaid or in one horizontal line.

(5) Notwithstanding anything contained in sub-rule (2), the registration mark exhibited at the front of a motor cycle or of an invalid carriage may be displayed on a plate in a line with the axis of the vehicle and shall in such case be displayed on both sides of roof plate.
(6) The front and rear registration marks exhibited on a public service vehicle shall be affixed at a distance of not less than eighteen inches from the ground level.

(7) If the letters and numerals are exhibited in any polished metallic surface they shall have plane and not rounded surfaces.

32. Registration marks on a trailer: - (1) The registration mark of a trailer shall be exhibited on a plane plate or surface on the left hand side of the trailer. The letters, figures, space and margin shall be of dimensions not less than those prescribed in clause (b) of sub-rule (3) of rule 31.

(2) The registration mark of the drawing motor vehicle required by the Ordinance to be affixed to the rear of a trailer shall be in conformity with all the provisions of these rules applicable to the registration mark affixed to the rear of a motor vehicle.

33. Particulars to be painted on transport vehicles: - (1) Save in the case of motor cabs, delivery vans or trailers of the nature specified in clause (h) of sub-section (3) of section 44, the particulars set forth below shall be exhibited in a fixed frame inside the vehicle, in the driver’s cab, in English letters and numerals:

1. Registered No. of vehicle ....................................................

2. Name and address of owner as set forth in the certificate of Registration……………………………………………………………………

3. The Registered Unladen Weight in lbs, denoted by U.W...........

4. The Registered Laden Weight in lbs, denoted by R.L.W...........

5. Carrying capacity:

a) if a stage carriage or a contract carriage, the number of passengers for whom accommodation is provided.

   (i) Upper class.

   (ii) Lower Class.
And (b) if a goods vehicle, in lbs.

6. Registered Front Axle Weight in lbs, denoted by A.W.

7. Registered rear Axle Weight in lbs, denoted by R.A.W.

8. Number and size of tyres:
   (a) Front Axle.
   (b) Rear Axle.
   (c) Intermediate Axle, if any.

Signature and name of the Motor Vehicles Examiner.

Place of issue. ________________
Date ________________

(2) The full name of the company, society, firm or person owing the vehicle as set forth in its registration certificate shall be exhibited on both sides of every transport vehicle other than motor cabs, delivery vans and trailers, in block letters measuring four inches in height and three fourths of an inch in thickness:

Provided that with the approval of the Regional Transport Authority concerned abbreviation of name may be used.

(3) In case of a motor cab, or a motor cab rickshaw, the word “TAXI” shall be painted in white in the middle of the windscreen as well as of the rear glass. The letters shall be not less than 2½ inches high and 5/8th of an inch thick at any part. The word “Private” in block letters not less than 2¼ inches high and 5/8th of an inch thick at any part shall be painted in red in the middle of the wind-screen of a motor cycle rickshaw.

(4) This rule shall not apply to any vehicle registered under section 39 or 40.

34. **Issue and renewal of certificate of fitness:** (1) (a) The authority prescribed to issue or renew a certificate of fitness and to perform all other function which are to be discharged by a prescribed authority under section 38, shall be:
(i) Motor Vehicles Examiner appointed by the Chairman, Provincial Transport Authority.

(b) The authority granting a certificate of fitness shall send a copy thereof to the registering authority concerned.

(2) An application for the issue or renewal of a certificate of fitness shall be made in Form C.F.A. or Form C.F.R.A., respectively, to the Motor Vehicle Examiner of the area where the owner has his principle office of business.

(3) The Motor Vehicle Examiner by whom a certificate of fitness was issued or if it has been renewed, the Examiner by whom it was last renewed, may endorse thereon the date, appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly.

(4) If the owner finds that the vehicle cannot be produced for the next inspection on the date endorsed on the certificate of fitness, he shall not less than fifteen days before the aforesaid date, apply to the Motor Vehicles Examiner for the change in the date of inspection stating the reasons for such a change. When date of inspection is extended by the Examiner no penalty as provided in sub-rule (9) shall be chargeable for the period for which extension is granted.

(5) If no date, for the next inspection is endorsed on the certificate of fitness as provided in sub-rule (3), an application for the renewal of a certificate of fitness shall be made in form CFRA not less than fifteen days before the date of expiry of the certificate and the owner of a vehicle in respect of which such application is made shall cause the vehicle to be produced for inspection on such date as the Motor Vehicles Examiner may appoint.

(6) There shall not be more than one certificate of fitness in respect of any vehicle which shall be bound in the registration certificate of the vehicle.

(7) If, owing to mechanical break down or other cause, a motor vehicle is, after expiry of the certificate, outside the area in which the Motor Vehicles Examiner by whom the certificate is to be renewed has jurisdiction the Motor Vehicles Examiner may without prejudice to any penalty to which the owner or driver may have become liable, if the vehicle is in his opinion fit for
use, by endorsement in Form C.F. Sub, and subject to such condition as he may specify, authorise, its continued use for such time not exceeding one week as may, reasonably necessary, for the vehicle to return to the area of the Examiner by whom the certificate should be renewed, and the vehicle may be renewed, and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after return to that area until the certificate has been renewed.

(8) If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinion of any Motor Vehicle Examiner safely be driven at a reduced speed to a place of repair, and if the Examiner is satisfied that it is necessary that the vehicle should be so driven any Motor Vehicles Examiner may, by endorsement in Form C.F.X., specify the time within which, and the condition subject to which, the vehicle may be driven to a specified destination for the purpose of repair and the limit of speed beyond which it shall not be driven.

(9) The fee for:-

(i) The grant of a certificate of fitness shall rupees twenty; and

(ii) for the renewal of such certificate:-

(a) in cases where the vehicle in respect of which the certificate is required is produced for inspection within fifteen days of the expiry of the certificate, rupees ten; and

(b) in cases where the vehicle is not produced for inspection within the aforesaid period of fifteen days, rupees ten, plus a penalty not exceeding rupees twenty.

(10) Any Motor Vehicles Examiner or any officer of the P.T.A. may after giving the owner an opportunity of being heard cancel the certificate of fitness of a transport vehicle under sub-section (3) of section 39 or may suspend the certificate for a period not exceeding two months if in his opinion the vehicle does not comply with the provisions of Chapter VI of the Ordinance or the rules thereunder.

(11) The authority cancelling a certificate of fitness under sub-rule (10) shall give the owner or other person in charge of the vehicle a notice in Form C.F.C. for such cancellation and shall
make a report of his action and forward the certificate to the (appropriate) Superintendent of Police.

After the authority has cancelled the certificate of fitness, such authority may by endorsing in Form C.F.X., specify the time within which and the conditions subject to which the vehicle may be driven to a specified destination for the purposes of repair.

(12) Nothing in sub-rule (11) shall debar the owner or the person in charge of the vehicle, the certificate of fitness of which has been cancelled, from applying at any time for the restoration of the certificate of fitness if the vehicle has been repaired in such a manner that the provisions of Chapter VI of the Ordinance and of the rules made thereunder are complied with. If such a vehicle is inspected and passed within fourteen days of the date of cancellation of the certificate of fitness but before the date of expiry specified in such certificate, the certificate shall be restored to its original date of expiry and no restoration fee shall be charged. If, however, the vehicle is brought for inspection at any other time, fresh certificate of fitness will be required.

(13) While inspecting a motor vehicle, the Motor Vehicles Examiner shall fill in Form M.V. Ins., (or) in duplicate, and shall on completion deliver the original copy to the owner or his authorised agent or his driver.

35. **Temporary registration of newly sold vehicles:**

(1) When for any reason it is impracticable for the purchaser of a newly sold vehicle to obtain a registration certificate in the ordinary course, owing to a temporary closure of the office of the registering authority or for other similar reason, or where the purchaser of a newly sold vehicle intends to take it immediately to the district where he has his permanent residence or a place of business, a temporary certificate of registration and a temporary registration mark may be issued under this rule, and the temporary certificate and registration marks shall for the time being serve all the purposes of a regular certificate and registration mark.

(2) For the purpose of issuing temporary certificates of registration and temporary registration marks any revenue officer of or above the rank of Assistant Collector or any Police Officer of or above the rank of Inspector or any approved firm of motor dealers or association of persons using motor vehicles may be appointed by Government to be a special registering authority.
Where a firm of motor dealers or association of users of motor vehicles is so appointed, the registering authority, from time to time prescribe the names of the persons, being members for employees of the firm or association, who shall be competent to sign the temporary certificate of registration, and no certificate signed on behalf of the firm or association by any other person shall be valid.

(3) A temporary certificate of registration or a temporary registration mark shall not be issued except in respect of a vehicle which has not previously been registered under the Ordinance.

(4) Every application for a temporary certificate of registration shall be in writing and shall indicate the District or place where the vehicle is intended to be produced for permanent registration. It shall be supported by a certificate from the person or firm from whom the vehicle has been purchased to the effect that it has been sold to the applicant on the day when the certificate is signed.

(5) On presentation of the application with its accompanying certificate, an authority empowered under sub-rule (2), may issue a temporary certificate of registration in Form C.R. Tem. Foil A of this form shall be handed to the applicant. If the place in which it is intended permanently to register the vehicle is in Azad Kashmir Foil B shall be dispatched immediately to the registering authority of the District in which it is to be registered. In other cases Foil B shall be dealt with according to such directions as may be issued by Government from time to time. The counter-foil, together with the application and its accompanying certificate, shall be kept on record by the authority issuing the permit and shall be exhibited for inspection of the registering authority of the district at the end of every calendar month or at such other intervals as the registering authority may direct. The counter-foils, with the connected application and certificates, shall, unless they are taken by the registering authority into his own charge, be preserved by the issuing authority for a period of not less than twelve months from the date of issue.

(6) In the case of vehicles intended to be permanently registered in the Province, the registering authority receiving Foil B under the preceding sub-rule shall forthwith send an acknowledgement
to the authority which issued it and the authority shall attach the acknowledgement to the counter-foil.

(7) The records maintained under sub-rule (4) by any firm of motor dealers or Association of person using motor vehicles approved for the purpose of issuing temporary certificates of registration and temporary registration marks shall be open to inspection at all reasonable times by any police officer not below the rank of Sub-Inspector.

(8) A temporary certificate of registration shall not be valid for more than ten days and shall not be capable of renewal.

(9) An authority issuing a temporary certificate of registration shall at the same time assign to the vehicle a distinguishing mark, to be displayed thereon in the manner prescribed for distinguishing marks assigned under sub-section (3) of section 25, the letters and figures composing the marks being in red on a yellow ground. Where the temporary registration mark has been issued by an approved firm of motor dealers or association of motor users, the designation and Address of firm or association shall also be printed in small letters along the lower edge of each plate.

(10) To enable the authorities empowered under sub-rule (2) to fulfill the requirements of the preceding sub-rule, the registering authority of the district shall allocate to each authority a block of registration marks out of those assigned to the district in the Sixth Schedule to the Ordinance.

36. Loss or destruction of certificate of registration of a vehicle other than transport vehicle:—

(1) If at any time the certificate of registration of a vehicle other than a transport Vehicle is lost or destroyed, the owner shall forthwith intimate the facts in writing to the registering authority by whom the certificate was issued or by whom the registration mark of the vehicle was assigned under section 30 and shall apply in Form C.R.L.D. to the said authority for the issue of a duplicate certificate.

(2) Upon receipt of an application, in Form C.R.L.D. together with a fee of rupees three, the registering authority may, after making such enquiries as appear necessary, issue a duplicate certificate of registration in Form G clearly stamped “Duplicate” in red ink.
37. **Loss or destruction of certificate of registration and certificate of fitness of a transport vehicle:**

   (1) If at any time the certificate of registration or the certificate of fitness of a vehicle is lost or destroyed, the owner shall forthwith intimate the facts in writing to the registering authority by whom the certificate of registration was issued or by whom the registration mark was assigned under section 30, and shall apply in Form C.R.L.D. Tran. to the said authority for the issue of a duplicate certificate of registration or certificate of fitness.

   (2) Upon receipt of an application in Form C.R.L.D. Tran. together with a fee of rupees five the registering authority may, after making such enquiries as appear necessary and obtaining particulars of the original certificate of fitness from the Motor Vehicles Examiner by whom it was issued or last renewed, issued a duplicate certificate of registration and certificate of fitness in Form G and I, respectively, clearly stamped “Duplicate” in red ink.

   (3) No person shall be liable to be convicted of an offence under section 90 if, at the time when the certificate is demanded, he has already reported the loss or destruction thereof in accordance with the provisions of this rule and a duplicate certificate has not been delivered to him.

38. **Defaced or torn certificate of registration and certificate of fitness of transport vehicles:**

   (1) If at any time the certificate of registration or the certificate of fitness of a transport vehicle is so torn or defaced that it has ceased to be legible or any important part of the certificate is missing or any un-authorised alteration has been made therein, the registering authority may impound the certificate and after ascertaining the correct entries which should have appeared in the said certificate issue a duplicate certificate in Form G or Form I, as the case may be, clearly stamped “Duplicate” in red ink.

   (2) The fee for a duplicate certificate under this rule shall be rupees five.

39. **Procedure when a lost certificate is subsequently found:**

   (1) When a duplicate certificate of fitness or certificate of registration has been issued upon representation that the original has been lost and the original is afterwards found by the holder, the original certificate of fitness or certificate of registration shall be delivered forthwith to the registering authority.
(2) Any other person finding a certificate of fitness or certificate of registration shall deliver it to the holder or to the nearest police station.

40. **Temporary receipt for a certificate of registration or certificate of fitness taken into possession by a competent authority:**

(1) When the holder of a certificate of registration and a certificate of fitness of a transport vehicle has submitted them to a registering authority or other authority for any purpose under the Ordinance or these rules and neither the certificate of registration nor the certificate of fitness has been suspended or cancelled, the registering authority shall furnish him with a receipt for the certificate of registration in Form R Tem. and during such time as the receipt shall be specified to remain in force it may be produced in place of the certificate of registration or the certificate of fitness under sub-section (2) of section 90.

(2) Any authority granting a receipt under the preceding sub-rule may at his discretion extend the term thereof by order endorsed thereon.

(3) No fee shall be payable in respect of a receipt given under this rule.

41. **Registration fees:**

(1) The fee for the registration of a motor vehicle shall be:

(a) in respect of a motor cycle and an invalid carriage or a trailer not having more than two wheels and not weighing more than one ton unladen. Five Rupees.

(b) in respect of a heavy transport vehicle. Thirty-two rupees.

(c) in respect of any other vehicle. Sixteen rupees.

(d) in respect of temporary registration of any vehicle. Five Rupees.

42. **Exemption from payment of registration fees:** No fee shall be charged for the registration of a vehicle in the following cases:

(a) tractors or trailers and locomotives used solely for agricultural purposes;
(b) such motor ambulances used solely for the conveyance of the dead body or sick or injured, as may be notified by government from time to time;

(c) any motor vehicle belonging to Foreign Missions, Foreign Consular Officer and staff of the United Nations, including its various organs and specialised agencies in Pakistan and any other person or vehicle exempted by Government by a special order.

43. **Maintenance of record of motor vehicles by registering authority:**

   (1) The registering authority shall maintain record of all motor vehicles registered under the Ordinance and such record shall contain the name and address of the owner together with a description of the vehicle.

   (2) Person applying for copies of particulars of any vehicle entered in the said record shall pay fifty paisa for each copy with a maximum of rupees three when copies of particulars of more than one vehicle are applied for by the same person and at the same time.

   (3) in addition to the fee prescribed under sub-rule (2) a copying fee at the rate of six paisa for copies of particulars of three vehicles or less shall be payable.

44. **Authority to suspend certificate of registration:**

   Any police Officer not below the rank of Deputy Superintendent and any Motor Vehicles Examiner may after giving the owner an opportunity of being heard suspend the certificate of registration of a motor vehicle under section 34.

45. **Hire purchase agreements:**

   (1) When in an application for the registration of a motor vehicle the parties to an agreement of hire purchase declare, in the form of the note endorsed on Form F, that the vehicle is the subject of such an agreement, the registering authority shall complete and affix his signature to the note appended to Form G but shall not be required to satisfy himself as to the title of the two parties in the vehicle nor shall the note endorsed on Form G in any way affect the title of any party.

   (2) If, upon termination of an agreement of hire-purchase or otherwise, the registered owner and the other party desire that the note on Form G relating to such an agreement shall be
cancelled, they shall apply in Form H.P. Ter. to the registering authority by whom the vehicle was registered or by whom a new registration mark has been assigned to the vehicle under section 30 and the registering authority shall thereupon cancel the note endorsed on Form G.

(3) Nothing contained in this rule shall, prevent a registering authority from recording a change of the address of the registered owner on the certificate of registration as provided in section 30, nor shall the registering authority be required to inform the other party to an agreement of hire-purchase of any intimation of change of address, but the registering authority shall not record any transfer of ownership of a motor vehicle under section 32 so long as the certificate of registration contains the note of an agreement of hire-purchase, unless the other party to that agreement signifies his consent to such transfer by endorsement upon Form T.O.

(4) If the other party to an agreement of hire-purchase satisfied the registering authority that he has taken possession of the vehicle owing to the default of the owner under the provisions of the agreement, and that the owner has absconded or refuses to deliver the certificate of registration, the registering authority, may, after giving the owner an opportunity of being heard and notwithstanding, that the certificate of registration is not produced, cancel the certificate of registration and issue a duplicate certificate of registration and deliver the same to the other party.

(5) The owner shall be deemed to have been given an opportunity of being heard within the meaning of the preceding sub-rule if a notice has been duly served on him by registered post to the address stated in the certificate of registration and he fails to appear before the registering authority on the due date to show cause against the cancellation of the certificate.

(6) If a note in respect of an agreement of hire-purchase is to be endorsed on a certificate of registration, there shall be payable in addition to the registration fee a further fee of rupees ten. No fee shall be payable in respect of the cancellation of the note under sub-rule (2). There shall be payable for recording transfer of ownership a further fee of rupees five when the transfer is of a vehicle which is the subject of a hire-purchase agreement.
46. **Transfer of ownership:-** (1) Application for transfer of ownership of a motor vehicle under sub-section (1) of section 32 shall be made in Form T.O. and shall be accompanied by a fee of rupees five.

(2) Communication of transfer to the original registering authority under sub-section (2) of section 31 shall be in Form C.R.T.I.

47. **New Registration marks:-** (1) Application for a new registration mark under section 29 shall be made in Form R.M.A. and shall accompanied by a fee of rupees five.

(2) The registering authority assigning a new registration mark to a motor vehicle shall intimate the fact to the owner and the other party, if any, to an agreement of hire-purchase specified in the note on the certificate, and shall apply to the original registering authority for transfer of the records of the vehicle in Form R.M.I.

48. **Application for change of address and alteration in motor vehicle:-** (1) Application for change of address under section 31, shall be made, in Form C.A. and shall be accompanied by a fee of rupees five.

(2) Application for alteration in a motor vehicle under section 33 shall be made in Form A.M. and shall be accompanied by a fee of rupees five.

49. **Vehicles entering the State from outside:-** (1) When any motor vehicle which is not registered in the State/Azad Kashmir has been kept therein for a period exceeding fourteen days, the owner or other person-in-charge of the vehicle shall send intimation to the registering authority of the district in which the motor vehicle is at the time of making the report and shall intimate:

(a) his name and permanent address, and his address for the time being;

(b) the registration mark of the vehicle;

(c) the make and description of the vehicle; and
(d) in the case of a transport vehicle the name of the authority within the State/Azad Kashmir by whom the permit has been issued or countersigned;

Provided that in the case of a transport vehicle covered by a permit having validity in the province, it shall be necessary to make a report under this sub-rule upon the occasion of first entry only.

(2) Nothing in this rule shall apply to a motor vehicle which is exempted from registration under the provisions of rule 51.

(3) Nothing in this rule shall apply to any vehicle registered under section 40 or under section 41.

50. **Hiring agreement**: (1) When possession of a motor vehicle is transferred by the registered owner to another person under a hiring agreement, the registered owner shall forthwith intimate the fact and the full name and address of the transferee to the registering authority of the area in which the said owner has his residence or place of business.

(2) Nothing in the preceding sub-rule shall make it necessary to give intimation of a hiring agreement when the vehicle is to be used thereunder as a stage carriage.

51. **Exemption of vehicles in the possession of manufacturers or dealers**: (1) Section 23 shall not apply to a motor vehicle in the possession of a manufacturer of, or dealer in, motor vehicles in the course of the business of the manufacture or dealer so long as it is used under the authorisation of a trade certificate granted by the registering authority within whose area the manufacturer or dealer has his place of business.

(3) The fee for trade certificate shall be rupees one hundred in respect of any number of certificates up to ten, and rupees fifty in respect of each additional number of five or less certificates. The fee shall be payable annually in advance.

(4) If the registering authority declines to issue a trade certificate or issue a less number of certificates than the number specified in the application, the fee or a proportion of the fee determined in accordance with sub-rule (3), as the case may be, shall be refunded to the applicant.
(5) Upon the receipt of an application for trade certificates as aforesaid the registering authority shall, if satisfied that the number of certificates applied for is reasonable in relation to the business of the applicant, issue the certificates in Form T.C. accordingly and assign to the applicant a series of trade registration marks consisting of the two letters of the registration mark specified in the Sixth Schedule to the Ordinance followed by not more than three figures and followed by one letter of the alphabet in respect of each certificate.

(6) The trade certificate shall be attached to the registration mark in a weather proof holder, in the manner set out hereunder:

<table>
<thead>
<tr>
<th>Certificate</th>
<th>Tax Token</th>
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<tbody>
<tr>
<td></td>
<td>KA-55A</td>
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</tbody>
</table>

(7) Not more than one vehicle shall be used in a public place at any one time under any one trade certificate.

(8) No person to whom a trade certificate is granted shall cause or allow it to be used upon any motor vehicle other than motor cycle unless the holder of the certificate or a bona fide employee of the holder is present in the vehicle or for any purpose other than one of the purposes set out below:-

a. For test during the course of or after completion of construction or repairs.

b. For proceeding to or returning from a weigh bridge for or after weighment, or to or from any place for its registration.

c. For reasonable trail by or for the benefit of a perspective purchaser and for proceeding to or returning from the place where such person intends to keep it.

d. For proceeding for the purpose of delivery to or from the premises of the dealer and from such premises to the premises of a purchaser or of another dealer.
e. For proceeding to or returning from a workshop with the object of fitting a body to the vehicle or of painting or for repairs.

f. For proceeding to or from a railway station or wharf for or after being transported.

g. For proceeding to or returning from an exhibition of motor vehicles or any place at which the vehicle is to be or has been offered for sale.

(9) No vehicle carrying a trade registration mark and certificate shall be used as a transport vehicle under the authorisation of any permit or otherwise.

(10) (a) Every holder of a trade certificate shall keep a register in Form T.C.R. and enter or cause to be entered in duplicate in such register full and true particulars of the purposes for which every vehicle leaves his premises under a trade certificate of the driver-in-charge and of the period during which the vehicle was on the road under the trade certificate.

(b) The register shall be in the form of foil in a bound book, the pages of which shall be numbered serially. The necessary particulars, except in regard to the time of return, shall be entered in it by the holder of the certificate or his agent before the commencement of each trip. The register shall be open to inspection on demand by any Police Officer not below the rank of sub-Inspector.

(c) The foil containing the entries made prior to the commencement of the trip shall be carried by the driver of the vehicle and the counterfoil shall be retained for a period of thirty days after the trip has been completed and shall be exhibited on demand by any Police Officer authorised to inspect the register.

(11) If at any time the registering authority is satisfied that the holder of a trade certificate has contravened any of provisions of this rule, he may, after giving the holder an opportunity of making any representation which he may wish to make suspend or cancel any or all of the trade certificates held by him.
(12) When a trade certificate has been lost, destroyed or mutilated through negligence of the holder or by accident or passage of time, the holder may apply to the registering authority for the issue of a duplicate certificate, and the registering authority shall, if satisfied, about such loss, destruction or mutilation, issue a duplicate certificate.

(13) A duplicate certificate shall be issued with the words “DUPLICATE” in bold red letters written or stamped across it.

(14) The fee for the issue of duplicate trade certificate shall be rupee one irrespective of the fact whether the original certificate was lost, destroyed or mutilated due to negligence of the holder’s accident or its replacement is occasioned by the passage of time.

52. Exemption of road rollers, graders and deliver vans:— (1) Nothing contained in Chapter III of the Ordinance shall apply to road rollers, graders and other road making and cleaning plant save that every tractor capable of other use shall be registered and shall require a certificate of fitness.

(2) The provision of section 39 shall not apply to delivery vans.

CHAPTER IV

CONTROL OF TRANSPORT VEHICLES

53. Terms of appointment of Members of the Provincial Transport Authority and Regional Transport Authorities:— Any Government Officer appointed as a member of Provincial Transport Authority or a Regional Transport Authority shall continue as such until such time as Government may otherwise order.

54. Meeting of the Provincial Transport Authority:— (1) The Provincial Transport Authority shall meet at such times and at such places as the Chairman may appoint:

Provided that the Authority shall meet not less than once in each of the calendar quarters January to March, April to June, July to September and October to December.
(2) Not less than ten days notice shall be given of any meeting of the Provincial Transport Authority.

(3) Two members shall constitute a quorum, provided that Secretary Member shall not be counted for the purpose of quorum.

(4) The Chairman, if unable to attend a meeting, shall nominate a member to act as Chairman at the meeting.

(5) The Chairman, or the acting Chairman nominated under the proceeding sub-rule, shall have a second or casting vote.

55. **Meeting of Regional Transport Authority:**

   (1) The Chairman may, in case of an emergent meeting, dispense with the requirements of sub-rule (2) or any by-law framed under rule 56:

   Provided that the Authority shall meet not less than once in two months unless the Provincial Transport Authority otherwise directs.

   (2) Two members shall constitute a quorum, provided that Secretary Member shall not be counted for the purpose of quorum.

   (3) The Chairman, if unable to attend a meeting shall nominate a member to act as Chairman at the meeting.

   (4) The Chairman, or the Acting Chairman nominated under the proceeding sub-rule, shall have a second or casting vote.

56. **Conduct of business of Transport Authorities:**

   (1) Subject to the provisions of the Ordinance and these rules a Provincial or a Regional Transport Authority shall have power to make by-laws to regulate the conduct of its business and shall likewise have power to amend such by-laws, and the business of such Authority shall be conducted accordingly under the direction of the Chairman:

   Provided that the bye-laws made by a Regional Transport Authority shall be subject to the approval of the Provincial Transport Authority.
(2) The Secretary shall lay before the Regional or the Provincial Transport Authority as the case may be, the agenda to be considered at any meeting.

(3) Save in the case of the hearing of an objection to the grant of a stage carriage permit and in the case of the hearing of a representation under sub-section (6) of section 58 a Provincial or a Regional Transport Authority as the case may be, may decide any matter without holding a meeting by the majority of the votes of members recorded in writing and sent to the Secretary, (hereinafter referred to as procedure by circulation).

(4) In the event of procedure by circulation the Secretary shall send to each member of the Authority such particulars of the matter as may be reasonably necessary in order to enable the member to arrive at a decision and shall specify the date by which the votes of members are to be received in the office of the Authority. Upon receipt of the votes of members as aforesaid, the Secretary shall lay the papers before the Chairman, who shall record the decision by endorsement on the form of application or other document, as the case may be, according to the votes received and the vote or votes, cast by the Chairman. The record of the votes cast shall be kept by the Secretary and shall not be available for inspection by any person save by a member of the Authority at a regular constituted meeting of the Authority. No decision shall be made upon procedure by circulation if before the date by which the votes of members are required to reach the office of the Authority, not less than one-third of the members of the Authority by notice in writing to the Secretary demand that the matter be referred to a meeting of the Authority.

(5) The number of votes, excluding the Chairman’s second or casting vote, necessary for a decision to be taken upon procedure by circulation shall not be less than the number necessary to constitute a quorum.

(6) The Provincial or the Regional Transport Authority, as the case may be, may summon any applicant for a permit to appear before it and may decline to grant the permit until the applicant has furnished such information as may reasonably be required by the authority in connection with the application.

(7) Nothing in this rule shall prevent a Provincial or a Regional Transport Authority from deciding upon procedure by
circulation any matter which has been considered at a meeting or has been the subject of a hearing and upon which a decision has been reserved.

(8) When a matter is decided by votes of members present at a meeting of a Provincial or Regional Transport Authority, no person other than a member of the Authority shall be entitled to be present and no record of the voting shall be kept save of the number of votes cast on either side:

Provided that when any matter is decided by the exercise of the second or casting vote of the Chairman the fact shall be recorded.

56-A. **Classification of routes for stage carriage permits:-** The Provincial Transport Authority shall demarcate routes into ‘A’ ‘B’ and ‘C’ categories for stage carriage permits on the basis of density of traffic and condition of the roads.

57. **Refusal to accept applications for permit:-** When a Regional Transport Authority has in the exercise of its powers under the Ordinance imposed limit upon the number of permits of any class which may be granted for a specified route or a specified area and has already granted such number of that class the Authority may decline to consider further applications for such permits in respect of any such route or area.

58. **Survey of routes before inviting applications for stage carriage permits:-** (1) In pursuance of the provision of clause (a) of sub-section (1) of section 49, the Provincial or a Regional Transport Authority shall have a thorough survey carried out of the route or routes, as the case may be, in the manner hereinafter prescribed before it takes a decision to invite applications for granting stage carriage permits on the specified route or routes.

(a) A Survey Committee consisting of two or more members shall be appointed by the Chairman, Azad Kashmir Transport Authority for each specific route requiring survey.

(b) The Survey Committee shall submit its report in writing to the Transport Authority concerned within the specified period.

(c) The survey report shall be in detail giving reasons for additional or fresh stage carriage services and shall also
contain the number of existing services operating on the whole and parts of the route concerned.

(d) The Survey Committee shall consult the District Magistrate or District Magistrate concerned regarding the adequacy or otherwise of the existing services on the route or routes and shall record his or their views in the survey report, as the case may be.

(e) The Survey report shall be placed before the Transport Authority concerned in its regularly constituted meeting for consideration and deciding at its discretion as to whether the route or routes in question should be declared open or not. In the former case the number of permits decided to be issued shall be mentioned.

(f) If the Survey report submitted by the Survey Committee is not a unanimous one, then the Transport Authority may consider all the different reports and decide at its discretion as to whether the route or routes in question should be declared open for fresh or additional stage carriage services. In that case, the number of permits decided to be issued shall be mentioned.

(2) (a) In case of the routes falling in more than one region an Inter-Regional Survey Committee consisting of one or more Members of the respective Regional Transport Authority and the Provincial Transport Authority shall be appointed by the Chairman, Provincial Transport Authority, provided one of the Members shall be Secretary of each Authority.

(b) The Inter-Regional Survey Committee shall prepare its survey report in accordance with sub-rule (1) which shall be placed before the Provincial Transport Authority for consideration and decision as to how many permits are to be issued and by which Regional Transport Authority.

(c) The decision arrived at by the Provincial Transport Authority shall be intimated to the respective Regional Transport Authorities.

(3) The Provincial Transport Authority may allow the respective Regional Transport Authorities to conduct joint survey of a specific inter-regional routes, and for such survey the following procedure shall be followed:-
(a) Any Inter-Regional Survey Committee consisting of two or more members of each Transport Authority shall be appointed by the Chairman of the respective Regional Transport Authority provided that one of the members shall be the Secretary of each Authority.

(b) The Inter-Regional Survey Committee shall prepare its survey report in accordance with sub-rule (1) which shall be placed before the Provincial Transport Authority for consideration and decision.

59. Procedure for inviting applications for stage carriage permits:— When a Regional Transport Authority in pursuance of the provisions of sub-section (2) of section 58 appoints a date for the receipt of applications for stage carriage permits for any specified route, the Secretary of the Authority shall post a notice showing particulars of the route and the date by which applications may be submitted, on a notice board outside the office of the Authority and shall also have the notice published in the Official Gazette as well as in the newspaper of standing circulation in the region not less than fifteen days before the date appointed for the receipt of application.

60. Publication of Application:— (1) In pursuance of the provisions of sub-section (3) of Section 58, upon receipt of an application for a stage carriage permit the Secretary of the Regional Transport Authority or the Provincial Transport Authority as the case may be, shall paste a copy of the application, together with the notice of the date before which representation may be submitted and of the date appointed for consideration, on a notice board outside the office of the Authority.

(2) It shall be a sufficient compliance with the provisions of sub-section (3) of section 57, if the particulars specified in that subsection are published at the cost of the applicant in a newspaper of standing circulation in the region and are pasted on a notice board outside the office of the Authority not less than fifteen days before the date appointed for the receipt of representations.

(3) If upon publication of particulars of an application in respect of a stage carriage permit as aforesaid, no representation is received in connection therewith within the specified period, the application may, if the Chairman so directs, be submitted for the decision of the Authority by procedure by circulation.
61. **Delegation of powers to Chairman, Provincial Transport Authority, or Secretary Provincial Transport Authority**: A Regional Transport Authority may by general or special resolution recorded in its proceedings and subject to the restrictions, limitations and conditions herein specified, delegate to the Chairman, Provincial Transport Authority all or any of its powers, namely:-

(i) Power under section 16 to disqualify for holding or obtaining a licence to drive a transport vehicle;

(ii) Power under sections 44 and 52 to grant a contract carriage permit;

(iii) Power under section 44 and 53 to refuse a contract carriage permit, in cases where no representations are received to grant with or without modifications such an application, and attach conditions to the permit;

(iv) Power under section 54 to grant a private carrier permit;

(v) Power under sections 44 and 57 to grant with or without modifications a public carrier’s and power to attach conditions under section 57 or vary the conditions thereof;

(vi) Power to attach to a stage carriage permit conditions under sub-section (1) of section 50 or to vary the conditions thereof;

(vii) Power to renew private carriers permits, public carrier’s permits contract carriage permits and stage carriage permits under section 60 and to renew counter signatures, of any such permits.

(viii) Powers under sub-section (2) of section 61 to permit the replacement of one vehicle by another;

(ix) Power under section 62 to suspend a permit, or

(x) Power under section 64 and under sub-section (4) of section 65 to grant temporary permit:

Provided that the Chairman, Provincial Transport Authority or the Secretary, Provincial Transport Authority concerned, as the case may be, shall:-
(i) keep informed the Regional Transport Authority from time to time of the action taken by him in pursuance of the delegated power; and;

(ii) arrange to paste on a notice board on the premises of the office of the Regional Transport Authority a copy of every resolution of that Transport Authority delegating its power to him.

(2) Notwithstanding anything contained in this rule, a Provincial Transport Authority may, from time to time, issue instructions as to the manner in which the powers delegated shall be exercised by the officer concerned.

62. **Hearing of applications or objections**: (1) When an application for any permit is considered at a meeting of a Provincial or a Regional Transport Authority and the applicant desires to be heard in support of his application or has been summoned to appear under the provisions of sub-rule (6) of rule 56, the applicant may either appear and conduct his case in person or may be represented by any person authorised by him in writing in this behalf.

(2) Any person or Authority who has made a representation under the provisions of section 51 may appear before the Provincial Transport Authority upon the date appointed for hearing the representation either in person or by a representative authorised by him or by it, as the case may be, in writing in this behalf:

Provided that nothing in this sub-rule shall be deemed to require the Provincial Transport Authority to give a hearing to any representation made under the provisions of section 51 read with sub-section (6) of section 58 if the Authority is satisfied that the representation is frivolous or vexatious or relates to a matter upon which the Authority has already recorded a decision after giving the parties concerned as opportunity of being heard.

63. **Forms of applications for permits**: (1) Every application for a permit in respect of a transport vehicle shall be in one of the following forms, that is to say:

(a) in respect of particular stage carriage. Form P.St.P.A.

(b) in respect of a service of stage carriage. Form P.St.S.A.
(c) in respect of a contract carriage. Form P.Co.P.A.

(d) in respect of a private carrier’s permit. Form P.Pr.C.A.

(e) in respect of a public carrier’s permit. Form P.Pu.C.A.

(f) in respect of a temporary permit. Form P.Tem.A.

(2) The application shall be addressed to the Provincial Transport Authority and accompanied by a fee of one hundred rupees for every copy of Part B of the permit applied for or a temporary permit which shall not be refundable:

Provided that:

(a) a reduced fee of rupees ten shall be levied in respect of an application for temporary route permit (for a single or return journey) for:

(i) a period shorter than one week.

(ii) taking an empty vehicle from one place at another.

(iii) carrying household effects of a Government servant on his transfer, or:

(iv) taking a vehicle from one place to another for purposes of repairs;

(b) a reduced fee of rupees twenty shall be levied in respect of an application for temporary permit (for multiple journey) valid for a period shorter than one week;

(c) no fee shall be levied in respect of an application for permit to carry dead bodies.

(3) In granting any permit the Provincial Transport Authority shall have power to modify the terms of the application in a reasonable degree, and in such a case the application shall be deemed to be an application for a permit in the form granted.

64. **Forms of Permits:**

(1) Every permit shall be in one of the following forms that is to say:

(i) in respect of a particular stage carriage. Form P. St. P.
(ii) in respect of a service of stage carriage.   Form P. St. P.

(iii) a contract carriage permit.  Form P. Co. P.

(iv) a private carrier’s permit. Form P. Pr. C.

(v) a private carrier’s permit.   Form P. Pu. C.

(vi) a temporary permit.    Form P. Tem.

(2) Save in the case of a temporary permit every permit shall be in two parts, A and B. In the case of a permit other than a permit for a service of stage carriages, one copy only of each part shall be issued. In the case of a service of stage carriages, one copy of part a shall be issued, together with a number of copies of Part B equal to the number of vehicles which the holder of the permit is permitted to have in use on the road at any one time. Each such copy shall carry in addition to the number of the permit a separate serial number contained in brackets after the number of 117 the permit, and shall be sealed and signed by the authority by which the 137 permit is issued and by the authority by which the permit 142 is countersigned.

(3) The holder of a permit shall cause the relevant copy of Part B thereof or the temporary permit, as the case may be to be carried in frame or other suitable container affixed to the inside of one of the doors used by passengers for gaining access to the vehicle and shall maintain it in a clean and legible condition.

65. **Manner of carrying certain documents on vehicles:** The owner of a transport vehicle shall fit to the vehicle a suitable container on the inside of the driver’s door and its driver shall keep in it the Insurance Certificate, certificates of registration and fitness of the vehicle and complaint book or log book, as the case may be.

66. **Entry of Registration marks on permit:** (1) Save in the case of a temporary permit, where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the vehicle duly registered, then the applicant shall within one month of the sanction of the application by the Provincial Transport Authority, or such longer period as the Authority may specify, produce the certificate of registration of the vehicle before that Authority in order that particulars of the registration mark may be entered, in the permit.
(2) No permit shall be issued until the registration mark of the vehicles to which it related has, if the form of the permit so requires been entered therein, and in the event of any applicant failing to produce certificate of registration within the prescribed period, the Provincial Transport Authority may either revoke its sanction of the application or in lieu thereof, may order payment of a fee according to the scale, laid down in sub-rule (3) before the permit is issued.

(3) The scale of fees for the purposes of this rule shall be as follows:-

Certificate of registration produced within the prescribed period. Rs. 25.00

Certificate of registration produced after two months and before the expiry of three months. Rs. 35.00

Certificate of registration produced after three months and before the expiry of four months. Rs. 45.00

An additional sum of rupees ten being chargeable for every additional month of delay in producing the certificate of registration.

67. **Temporary permits:** (1) A temporary permit may be granted to any person whether he is the registered owner of the vehicle or vehicles to be used thereunder or not.

(2) If, at the time of application for a temporary permit, the applicant is not in possession of the vehicle or vehicles or has not entered into a contract to hire the vehicle or vehicles or otherwise satisfies the authority concerned that he is for good and sufficient reason unable to specify the registration mark or marks of the vehicle or vehicles to be used under the permit applied for, an authority competent to issue a temporary permit may, if it is satisfied that undue inconvenience would otherwise be caused, issue a temporary permit in which the registration mark of the vehicles not set out, and may if it thinks fit require as a condition of the permit that the applicant shall within twenty-four hours, or such longer period as the authority may specify, of the commencement of the first journey under the authorisation of the temporary permit furnish to the authority particulars of the registration mark.
(3) No temporary permit shall be deemed to authorise the use of any vehicle which is not duly registered or in respect of which there is not existence a valid certificate of fitness or which otherwise contravene any of the provisions of the Ordinance of these rules.

68. **Special passes for contract carriages:**

   (1) In granting a contract carriage permit or stage carriage permit a Regional Transport Authority may, subject to the control of the Provincial Transport Authority, attach thereto a condition enabling the vehicle to be used as a contract carriage outside the region or other area in respect of which the permit has been granted or countersigned, provided that on each occasion when the holder of the permit seeks so to use the vehicle he obtains a Special pass from the officer in charge of the tehsil or sub-tehsil in which he has his principal place of business or other authority appointed, by the Provincial Transport Authority for the purpose.

   (2) No condition included in a permit under the preceding sub-rule shall authorise the issue of a special pass valid for more than one outward and return trip or of more than one special pass at any one time, or allow the holder to enter into an engagement with a fresh hirer in respect of the return journey.

   (3) The provisions of the Ordinance and of these rules regarding the carriage and production of permits shall apply equally to any special pass issued in conformity with a condition included in a permit in pursuance of sub-rule (1).

69. **Extension of area validity of permits:**

   (1) Subject to the provisions of section 65 a Provincial Transport Authority which issues a permit (hereinafter referred to as original transport authority) may extend the effect of the permit to any other region within the Province in accordance with any general or special resolution recorded by any other Provincial Transport Authority, and any permit so issued shall be of like effect in the region of the other Transport Authority so if it were issued by that Transport Authority.

   (2) A Transport Authority outside the Province, may, with the concurrence of the Provincial Transport Authority and subject to any conditions which may be mutually agreed upon by the two Provincial Transport Authorities concerned, extend the effect of
any permit to the whole of the Province or to any route or area therein.

(3) The original transport authority which issues a permit with effect in any other region shall send a copy of the permit to the Authority of the other region.

(4) Nothing in this rule shall affect the right of the holder of any permit to any Provincial Transport Authority for counter signature of a permit.

70.  **Fee for permits and for countersignatures or extension in the operational area:** (1) The following fees shall be payable for the issue and renewal of permits and for the countersignature or extension in operational area of permits under sections 54, 56 and 64:

**FEES FOR PASSENGER VEHICLES**

<table>
<thead>
<tr>
<th></th>
<th>Fee payable in respect of the regional area in which the vehicle is first given a permit.</th>
<th>Fee for a counter signature or extension in operational area allowing a vehicle already issued with a permit for one region to operate in any subsequent region.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heavy P.S.Vs.-</td>
<td>For 1st year A.K. Region. 45.00</td>
<td>Rs. 45.00 for any subsequent region in Pakistan.</td>
</tr>
<tr>
<td>(Stage and Contract carriages with R.L.W.)</td>
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<tr>
<td>Light P.S.Vs.-</td>
<td>For 1st year A.K. Region. 35.00</td>
<td>Rs. 35.00 subsequent region.</td>
</tr>
<tr>
<td>(Stage and Contract Carriages with R.L.W. upto 14,500 Lbs.)</td>
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**FEES FOR GOODS VEHICLES**

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<tr>
<th>(Public and Private Carrier’s permits)</th>
<th>Fee for three years for the 1st Region.</th>
<th>Rs. 100.00 A.K. Region.</th>
</tr>
</thead>
</table>
Fee for countersignatures for three years for 2nd Region. 95.00

Fee for countersignatures for three years for 3rd Region (for subsequent regions). Rs. 80.00 for subsequent region in Pakistan.

(2) Where the permit of a vehicle is countersigned under section 65 for more than one additional region, a fee at the rate shown in the preceding sub-rule as payable for a countersignature shall be levied in respect of each additional region.

(3) In cases where an original (Regional) Transport Authority acting under rule 69 extends the effect of a permit to an area or route in another region, a supplementary fee shall be payable at the same rates as if the permit had been countersigned for the second region:

Provided that if the additional area to which the permit is so extended is a part and not the whole of a region, the original (Regional) Transport Authority may at its discretion, and subject to any directions that may be issued by the Provincial Transport Authority, declare that no supplementary fee shall be payable:

(4) In case when a Transport Authority of an other Province acting under sub-rule (2) of rule 69 extends the effects of a permit to a route or area in the Province, a supplementary fee shall be payable at the same rate as for a countersignature in the Province:

Provided that a Regional Transport Authority may at its discretion, and subject to any agreement which may have been reached with the other Transport Authority concerned, declare that no supplementary fee or a reduced supplementary fee shall be payable.

(5) In the case of a service of stage carriages the fees payable shall be calculated on the Maximum number of vehicles which the permit holder is authorised to have in operation at any one time in the region concerned.

(6) Fee for original permits shall be paid in full in advance and fees for countersignature be paid in advance to the Regional Transport Authority by a period of not less than one year and in counter signing a Regional Transport Authority or a Provincial
Transport Authority, as the case may be, may attach thereto a condition that the holder shall pay all fees by the due date.

(7) An application in Form R.P.F.A. for the payment of permit fee or the countersignature of a permit shall be made to the Regional Transport Authority issuing the permit who shall prepare a receipt in Form R.P.R. for each Part B of the permit and deliver a copy thereof to the person tendering the fee.

(8) The receipt for the last fee paid shall be attached to and displayed with Part B of the permit.

(9) If a permit holder for a transport vehicle, other than a goods vehicle has paid in advance fees for more than one year and his permit is subsequently cancelled, he shall be entitled to a refund of the amount paid, less the full fee for the first year following the date of payment and for any subsequent year which may have begun to run before the cancellation is ordered. In case of a goods vehicle, the refund of amount for un-expired portion per year shall be worked by dividing the total amount of fee paid for three years by 3 and rounding of paisas 50 or above to a rupee. Fraction less than 50 paisa shall be ignored.

(10) Save as provided in the preceding sub-rule no refund of fees shall be allowed in any case where a permit is cancelled.

71. **Fee for temporary permits:** For a temporary permit authorising the use of a transport vehicle outside the region or regions or the route or routes to which it is ordinarily restricted, a fee shall be payable at the following rates:

   a. (If there is in force in respect of the vehicle a regular permit from a Regional Transport Authority in the Province):

      For a temporary permit valid not more than two days. Two rupees.

      For a temporary permit valid for more than two days.

      For the first week. Five rupees.

      For each subsequent week. Three rupees.
b. (If there is not in force in respect of the vehicle a regular permit issued by a Regional Transport Authority in the Province):-

For a temporary permit not valid for more than two days.
Three rupees.

For a temporary permit valid for more than two days.
For the first week. Seven rupees.
For each subsequent week upto four weeks. Five rupees.
For each month after the first four weeks. Fifty rupees.

72. **Limitation of capacity of stage carriages and contract carriages:**-(1) Save with the special permission of Government, no permit or countersignature on a permit shall authorise the conveyance of passengers in any stage carriage or contract carriage in excess of the maximum number that can be seated in accordance with the provisions of rules 182 and 184.

(2) Stage carriage used exclusively for the operation of a local service in an urban area with an internal height of not less than six feet may, in addition to the passengers carried in accordance with sub-rule (1), carry :-

a. eight standing passengers where the registered seating capacity does not exceed 28 passengers;

b. ten standing passengers where the registered seating capacity is not less than twenty-nine and not more than thirty-two passengers;

c. twenty where the registered seating capacity is more than thirty-two; and

d. twelve standing passengers in the lower saloon of a double decker vehicle.

(3) When in any stage carriage some seats have been reserved for ladies the space in the region of such seats shall be reserved for lady standing passengers and no male passenger shall stand in that portion.
73. **Traveling of a Checker or Inspector in stage carriages:**

(1) Notwithstanding the provisions of rule 72, a Checker or an Inspector employed by a transport concern to check vehicles enroute may travel in the vehicle for not more than six miles at a stretch for the purpose of checking: provided that such an employee is in possession of an identity card, in the form appended to this rule, issued by his employer and countersigned by the Motor Vehicles Examiner of the area concerned:

Provided further that on a long route in an isolated and desperately populated area for which only one service operates the Checker or the Inspector, as the case may be, may travel in the vehicles upto the next bus stop, if such a bus stop falls at a distance of more than six miles.

(2) The Checker or the Inspector shall on demand by a Magistrate or an officer of the Police or Transport Department produce the identity card for inspection. In case no such identity card is produced the Checker or the Inspector shall be counted as a passenger.

(3) When the employee ceases to hold the office of a Checker or an Inspector, as the case may be, shall return the identity card to the employer.

**FORM OF IDENTITY CARD**

1. Name of the transport concern (employer).
2. Full name and address of the holder.
3. Designation.
4. Signature or thumb-impression of the holder.
5. Age of the holder.
6. Height of the holder.
7. Visible identification mark.

______________________________
PHOTOGRAPH.
______________________________
Carriage of goods in stage and contract carriages:-

(1) No goods shall be carried on the top deck of a double decked stage carriage.

(2) No goods liable to foul the interior of the vehicle or render it insanitary shall be carried at any time in any stage carriage or contract carriage.

(3) A Regional Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or contract carriage or the conditions subject to which certain classes of goods may be so carried.

(4) Subject to the provisions of the preceding sub-rules, goods may be carried in stage carriage or contract carriage at any time in accordance with the conditions specified in the permit, if the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.

(5) If the holder of a stage carriage permit uses a vehicle authorised by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passenger transport, the Regional Transport Authority, may, after giving the holder an opportunity of being heard, declare that a breach of the conditions of the permit has occurred and may thereafter proceed under the provisions of section 61.

(6) When goods are carried in a stage carriage in addition to passengers, the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such number of seats as may be specified in the permit shall be kept free and un-impeded for the use of passengers and the access to the entrance to and exits from the vehicle required under Chapter VI of these rules shall be unobstructed.

(7) The weight in pounds of goods and personal luggage (other than the luggage and effects allowed under sub-rule (1) of rule
75 carried in a stage carriage or motor cab shall not exceed \((N=X) \times 160\), the letters in the formula signifying-

N- Maximum number of passengers for which the vehicle might be registered under these rules;

X- The number of passengers carried on the vehicle, or the number of passengers for whom seats are kept free and unimpeded by goods, whichever is greater.

In applying the formula to a double-decked vehicle, account shall be taken of the number of passengers, carried in the lower deck, and the number of seats in the lower deck only.

75. **Carriage of personal luggage in stage or contract carriages:**-

(1) (i) The luggage and personal effects of each passenger, subject to the limits given below, shall be carried free in a stage carriage:-

(a) Sixty pounds for each passenger occupying an upper class seat—upper class seats being those declared as such by the Motor Vehicle’s Examiner.

(b) Thirty pounds for each passenger occupying a lower class seat.

(ii) No luggage or personal effects of any passenger shall be carried in excess of these limits, save as permitted by sub-rule (7) of rule 74.

(iii) Small articles, such as over-coats, handbags, shall not be weighed.

(2) Subject to any directions issued by the Provincial Transport Authority, a Regional Transport Authority may impose on the use of any contract carriage conditions in regard to the weight of luggage and goods which may be carried therein, generally or in any specified area:

Provided that in the case of a contract carriage other than a motor cab the weight of goods allowed shall not exceed that permitted under rules in the case of a stage carriage.

76. **Obligation to carry a conductor:**- (1) A Regional Transport Authority may attach to any stage carriage permit a condition
that a conductor shall be carried on the vehicle at all times or at any specified times.

(2) A condition included in a permit under sub-rule (1) may direct that conductor shall also be carried when the vehicle is being used as a contract carriage.

77. **Carriage of mails in a stage carriage:** A Regional Transport Authority may attach to any stage permit a condition that the holder shall, if required, carry mail at such rates as may be fixed by the Regional Transport Authority in consultation with the Postal Authorities concerned.

78. **Further Conditions that may be attached to a stage carriage permit:** A Regional Transport Authority may attach to any stage carriage permit or contract carriage permit any one or more of the following conditions namely:

(a) that any passengers or goods that may be taken up within the limits of a particular municipality or any other specified area shall be conveyed out side and shall not be set down within those limits or within that area;

(b) that in passing along any specified route (to be referred to as a “corridor”) in any specified area no passengers or goods shall be taken up or set down within that area;

(c) that stage carriage which is permitted to ply on a particular route must complete the journey between the two terminals;

(d) that in order to maintain the service and to provide for special occasion and breakdowns, a permit holder shall, over and above the number of vehicles for which permit in Part B has been issued, keep in reserve 25 per cent of such number in the case of a pacca route and 33½ percent of such number in the case of a kacha or pacca-cum-kacha route, subject to a minimum of one vehicle in any case:

Provided that a Regional Transport Authority which issued the permit in respect of the service of stage carriage, may with the previous permission of the Provincial Transport Authority, direct a larger number of vehicles to be so kept in reserve for any particular route;
(e) that on a notification being issued by Government in the official Gazette for the formation of Transport Companies with not less than fifty vehicles, the permit holder shall in accordance with the said notification join any transport operator or operators so as to form a Transport Company with the requisite number of vehicles;

(f) that the permit-holder shall:

(i) construct bus stands providing amenities to the passengers in accordance with the instruction of the Transport Department; and

(ii) when so required by the Transport Department, build garages, workshops, inspection ramps, washing and servicing stations in accordance with the specifications laid down by that Department and provide necessary machinery and equipment therein;

Provided that conditions (e) and (f) shall be operative only during a War Emergency declared by the Government of Pakistan;

(g) that the permit holder shall be liable to action under section 62 if the driver of the vehicle covered by the permit has been found involved in rash and negligent driving;

(h) that the permit holder shall place the vehicle covered by the permit at the disposal of the Government during any emergency declared by Government.

79. **Regulation of Arrival and departure of stage carriages:** Where stage carriage permits issued under section 49 in respect of stage carriage services contain regulations for the timings of arrival or departure of stage carriages in accordance with the provisions of clause (b) of sub-section (2) of section 49, save with the permission in writing of the Regional Transport Authority issuing any such permit, not more than one stage carriage at a time in any service shall be permitted to arrive or departure from any particular place in accordance with such regulations.

80. **Restriction on the Picking up of passenger by a motor cab outside the area which the vehicle is primarily intended to serve:** A Regional Transport Authority may at any time include
in the permit of any motor cab a condition that no passenger shall be taken into the motor cab at any place outside the headquarters area of the motor cab unless the passenger has applied and has contracted to be carried in the motor cab the whole way from that place to some place within the headquarters area aforesaid; and in such case the Regional Transport Authority shall specify in the permit the limits of the said headquarters area.

81. **Conditions that may be attached, to a permit:-** A Regional Transport Authority may attach to any stage carriage permit or contract carriage permit a condition that the holder shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated conformably with the Ordinance and the rules and with due regard for the comfort, convenience and safety of the public and of any passengers carried.

82. **Conditions that may be attached to a public carriage permit:-** A Regional Transport Authority may attach to any public carrier’s permit any or all of the following conditions:-

   (a) that in passing along any specified route (to be referred to as a corridor) in any specified area no goods shall be taken or set down within that area;

   (b) restricting the type and the ownership of goods which may be carried;

   (c) that the permit holder shall be liable to action under section 61, if the driver of vehicle covered by the permit has been found involved in rash and negligent driving;

   (d) that the permit holder shall place the vehicle covered with the permit at the disposal of the Government during any emergency declared by Government.

83. **Cancellation of redundant permits:-** When a permit has been granted on first application by one Regional Transport Authority in respect of a particular vehicle or service of vehicles and it appears that permit has also been granted by another Regional Transport Authority-

   (a) in respect of the same vehicle; or
(b) In respect of a service of vehicles requiring the use of a greater number of vehicles than the holder of the permits possessed at the time of application, the Regional Transport Authority, by which one of the permits was issued may in consultation with the other authority after giving the permit holder an opportunity of being heard forthwith cancel or modify the permit in such manner as it may deem fit.

84. **Renewal of permits:**

(1) No application for the renewal of a permit shall be entertained unless it is made in writing to the Regional Transport Authority by which the permit was issued not less than one month before the expiry of the permit. Every application for renewal shall be accompanied by Part A to the permit and the application for prescribed in sub-rule (1) of rule 63, and shall state the period for which the renewal is desired.

(2) A Regional Transport Authority may at its discretion entertain an application for renewal preferred after the prescribed date, in which case a progressively increasing fee at the rate of Rupees fifty for each month or part of a month, the application due, shall be charged. As application made after the original permit has expired will be treated on the same basis.

(3) The Regional Transport Authority renewing a permit shall call upon the holder to produce Part A or Part B thereof, as the case may be, and shall endorse Part A and B accordingly and shall return them to the holder.

85. **Renewal of countersignatures on permits:**

(1) Subject to the provisions of rule 86, application for the renewal of a countersignature on a permit shall be made in writing to the Regional Transport Authority concerned and within the appropriate periods prescribed in rule 84 and shall, subject to the provisions of sub-rule (2), be accompanied by Part A of the permit. The application shall set forth the period for which the renewal of the countersignature is required.

(2) If at the time of application for renewal of a countersignature of a permit, Part A of the permit is not available, being under renewal by the authority by which it was issued, the application shall mention the fact and shall state the number and date of the permit, the name of the authority by which it was granted, the date of its expiry and the number and date of the countersignature to be renewed.
(3) The Regional Transport Authority granting the renewal of a
countersignature shall call upon the holder to produce Part A of
the permit, if it has not been produced, and Part B, or Parts B, of
the permit and shall endorse the Parts A and B accordingly and
return them to the holder.

86. **Power of authority renewing a permit to renew any
countersignature thereon:** (1) The authority by which a permit
is renewed may, unless any authority by which the permit has
been counter-signed has by general or special order otherwise
directed, likewise renew any countersignature on the permit (by
endorsement of the permit in the manner set forth in the
appropriate Form) and shall in such case intimate the fact of the
renewal to the authority which first gave the countersignature.

(2) Unless Part A and B of permit have been endorsed as
provided in sub-rule (1), or the period of validity of the
countersignature has been extended by the authority which first
gave it, the countersignature shall cease to have effect on expiry
of the period for which it was originally operative.

87. **Permit authorising the replacement of vehicle:** (1) If the
holder of a permit relating to a particular vehicle desires at any
time to replace the vehicle with another, he shall forward Part A
of the permit and apply in writing to the Transport Authority by
which the permit was issued stating the reasons why the
replacement is desired, and shall:

(i) If the new vehicle is in his possession, forward the certificate
of registration; or

(ii) if the new vehicle is not in his possession, state any material
particulars in respect of which the new vehicle will differ
from the old.

(2) Upon receipt of an application under sub-rule (1), the
Regional Transport Authority may in its discretion reject the
application:

(i) if it has prior to the application given notice of its intention
to reduce the number of transport vehicles of that class
generally or in respect of the route or area to which the permit applies; or
(ii) the new vehicle proposed differs in material respects from the old; or

(iii) if the holder of the permit has contravened the provisions thereof or has been deprived of possession of the old vehicle under the provisions of a hire-purchase agreement:

Provided that in considering applications for new permits within its areas the Regional Transport Authority shall, other things being equal give preference to an applicant who has been deprived of a permit by the operation of clause (i) of this sub-rule.

(3) If the Regional Transport Authority grants an application for the replacement of vehicle under this rule, it shall call upon the holder of the permit to produce Part B of the permit and the certificate of registration of the new vehicle, if not previously delivered to it, and shall correct Part A and B of the permit accordingly under its seal and signature and return them to the holder.

(4) No fee shall be chargeable for the replacement of a vehicle under this rule.

88. Permit for the replacement of a vehicle forming part of a service:— (1) If the holder of a permit relating to a service of stage carriages or contract carriages desires at any time to replace any vehicle covered by the permit by a vehicle of a different type or capacity, he shall forward Part A of the permit with an application in writing to the Regional Transport Authority by which the permit was issued, stating the reasons why the replacement is desired and shall intimate the relevant particulars of the vehicle to be replaced and of the new vehicle.

(2) Upon receipt of an application under sub-rule (1), the Regional Transport Authority may in its discretion reject the application:

(i) if it has prior to the application given notice of its intention to reduce the number of transport vehicles of the class generally or in respect of the route or area to which the permit applies; or

(ii) if the new vehicle differs in material respects from the old; or
(iii) if the holder of the permit has contravened any of its provisions.

(3) If the Regional Transport Authority grants an application for the replacement of a vehicle under this rule, it shall call upon the holder of the permit to produce the appropriate Part B of the permit and shall correct Part A and B of the permit accordingly under its seal and signature and return them to the holder.

(4) No fee shall be chargeable for the replacement of a vehicle under this rule.

89. **Treatment of any countersignatures on the permit of a replaced vehicle:**

(1) The Authority granting permission for the replacement of a vehicle under rules 87 and 88 shall, unless the authority by which the permit was countersigned has by general or special resolution otherwise directed, endorse on the correction made to Parts A and B of permit the words “Valid also for.......” inserting the name of the authority concerned, and shall intimate the particulars of the replacement to such authority.

(2) Unless the permit has been endorsed, as provided in sub-rule (1) or unless the alteration has been approved by an endorsement by the countersigning authority the countersignature on a permit shall not be valid in respect of any new vehicle.

90. **Procedure on cancellation, suspension or expiry of permit:**

(1) The holder of a permit may at any time surrender the permit to the Regional Transport Authority by which it was granted and the Regional Transport Authority shall forthwith cancel any permit so surrendered.

(2) When a Regional Transport Authority suspends or cancels any permit-

(i) the holder shall surrender Parts A and B of the permit within seven days of receipt of a demand in writing by the Regional Transport Authority, and

(ii) the authority suspending or cancelling the permit shall send intimation to any other authority by which the permit has been extended under rule 69.
(3) Within fourteen days of the expiry of any permit by the efflux of time, the holder shall deliver Part A and Part B or Parts B to the Regional Transport Authority by which it was issued. The Regional Transport authority receiving any such permit shall intimate the fact to the authority or authorities by which it may have been countersigned and to any authority to whose area the validity has been extended under rule 69.

91. **Transfer of a permit:**

(1) When the holder of a permit desires to transfer the permit to some other person under sub-section (1) of section 60, he and the person to whom he desires to make the transfer shall make a joint application in writing to the Regional Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer and stating whether any premium, payment or other consideration arising out of the transfer is to pass or has passed between them and the nature and amount of any such premium, payment or consideration. Every such application shall be accompanied by a fee of rupees one hundred only which shall not be refundable.

(2) If a Regional Transport Authority having sanctioned any transfer of a permit is subsequently satisfied that the contents of the application on which the transfer was approved were false or incomplete in respect of the matter specified in sub-rule (1) or any other material particular, it may declare the transfer to be void, and the permit shall, thereupon, without prejudice to any other penalty to which the parties may be liable, cease to have validity.

(3) The Regional Transport Authority may summon both the parties to the application, to appear before it and may, if it deems fit deal with the application as if it were an application for a permit.

(4) (i) If the regional Transport Authority is satisfied that the transfer of permit may properly be made, it shall call upon the holder of the permit in writing to surrender Part A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the sum of rupees five as transfer fee.

(ii) Upon receipt of Parts A and B of the permit and of the prescribed fee the Regional Transport Authority shall cancel
the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the transferee.

(iii) The Regional Transport Authority making a transfer of a permit as aforesaid may, unless any other Regional Transport Authority by which the permit has been countersigned has by general or special order otherwise required endorse Parts A and B of the permit with the words “Valid for.......” inserting the name of the extra area or route for which the permit has been countersigned.

(iv) Unless Parts A and B of the permit have been endorsed as provided in sub-rule (2), or unless the transfer of the permit has been approved by endorsement by the authority which countersigned the permit, the countersignature shall be of no effect after the date of transfer.

(5) The Regional Transport Authority may delegate to the Chairman powers to accept or reject applications for transfer of permits without obtaining its prior approval in each case, provided that the power so delegated shall be exercised subject to the condition that any such action taken by the Chairman shall be put up at the subsequent meeting or the Regional Transport Authority for confirmation.

92. **Issue of duplicate permits:**

(1) When Part A or Part B of any permit has been lost or destroyed, the holder shall forthwith intimate the fact to the Regional Transport Authority by which the permit was issued and shall deposit prescribed fee for the issue of a duplicate, and in the case of the loss or destruction of Part B shall also forward Part A of the permit.

(2) The Regional Transport Authority shall upon receipt of an application in accordance with sub-rule (1), issue a duplicate permit or part or parts of a permit, as the case may be, and to the extent that it is able to verify the facts may endorse thereon certified copies of any countersignature by other authority, intimating the fact to that authority.

(3) A duplicate permit or duplicate part of a permit issued under this rule shall be clearly stamped “Duplicate” in a red ink and the certified copy of any countersignature by any other Regional Transport Authority on a permit or a part of a permit made under this rule shall be valid in the region of that other authority as if it were a countersignature.
(4) When a permit or part of a permit has become so dirty, torn or defaced as in the opinion of the Regional transport Authority to be illegible, the holder thereof shall surrender the permit or part of the permit, as the case may be, to the Regional Transport Authority and apply for the issue of a duplicate permit or part of a permit in accordance with this rule.

(5) The fee for the issue of a duplicate permit or part of a permit shall be rupees five for Part A and rupees two for each copy of Part B.

(6) Any permit or part of permit which is found by any person shall be delivered by that person to the nearest police station or to the holder or to the Regional Transport Authority by which it was issued and if the holder finds or receives any permit or part of permit in respect of which a duplicate has been issued, he shall return the original to the Regional Transport Authority by which it was issued.

(7) The Regional Transport Authority may delegate to the Chairman or Secretary, powers to issue duplicate permits: provided that the power so delegated shall be exercised subject to the condition that the cases decided shall be put up at the subsequent meeting of the Regional Transport Authority for confirmation.

93. **Variation of permits:**

   (1) Upon application made in writing by the holder of any permit, the Regional Transport Authority may at any time in its discretion vary the permit or any of the conditions thereof subject to the provisions of the following sub-rules.

   (2) Where a representation has been made by any person in connection with the grant of a stage carriage permit under sub-section (1) of section 48 the Regional Transport Authority shall not, subsequent to the issue of the permit vary the permit or any condition thereof in a manner prejudicial to any person by whom such representation has been made unless the said author has afforded such person a reasonable opportunity of making representation in respect of the proposed variation.

   (3) Notwithstanding the provisions of sub-rule (2), a Regional Transport Authority may vary any stage carriage permit without
affording any person an opportunity of making a representation if in the opinion of the Regional Transport Authority the representation made by such person in respect of the issue of the permit was frivolous or vexatious, or if the variation of the permit or any condition thereof is in accordance with any particular or general direction issued by the Provincial Transport Authority under sub-section (6) of section 46 or involves a question of principle which has already been decided by a ruling of the Regional Transport Authority or of the Provincial Transport Authority which has not been modified upon appeal.

94. **Production of permits:**

   (1) Part A of a permit shall be produced on demand made at any reasonable time by any member of a Regional Transport Authority or any police officer not below the rank of Sergeant or sub-Inspector.

   (2) Any police officer in uniform may mount any transport vehicle for the purpose of inspecting Part B of the permit.

95. **Appeal against orders of Regional Transport Authority:** The Authority (hereinafter referred to as the appellate authority) to hear and decide an appeal against the orders of a Regional Transport Authority contemplated by clauses (a), (b), (c), (d), (e), (f) and (g) of Section 66 and section 67-E shall be the Chairman Provincial Transport Authority.

95-(A). **Appeal against the orders of Provincial Transport Authority:** The authority to hear and decide an appeal against the orders of the Provincial Transport Authority shall be the Financial Commissioner.

96. **Procedure in hearing appeals:**

   (1) Any person desiring to prefer an appeal against the order of the Provincial or Regional Transport Authority referred to in rule 95 shall, within thirty days of the receipt of the orders, prefer a memorandum (in duplicate) to the appellate authority setting forth concisely the grounds of objection to the order of the Provincial or the Regional Transport Authority, as the case may be, together with a certified copy of that order.

   (2) Upon receipt of an appeal in accordance with sub-rule (1), the appellate authority shall appoint time and place for hearing of the appeal giving the appellant not less than thirty days notice and shall order the appellant to deposit such fee, not exceeding rupees twenty-five as the appellate authority may specify.
(3) Any person preferring an appeal under this rule shall be entitled to obtain a copy of any document filed with the Provincial or the Regional Transport Authority, as the case may be, in connection with any order against which he is appealing, on payment of a fee at the rate of fifty paisa per page.

97. Conduct and duties of drivers of public service vehicles:- The driver of a public service vehicle:-

(i) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver’s seat in accordance with rule 161 or otherwise in such a way as to impede his vision of the road or proper control of the vehicle;

(ii) shall not shout in order to attract a passenger;

(iii) shall, subject to any rules or regulations in force prohibiting the taking up or setting down of passengers at, or except at certain specified places, bring the vehicle to rest for a sufficient period of time in a safe and convenient position upon the demand or signal of the conductor or of any passenger desiring to alight from the vehicle, and unless there is no accommodation in the vehicle, upon the demand or signal of any person desiring to become passenger;

(iv) shall not, when bringing his vehicle to rest for the purpose of picking up or setting down any passenger at or near the place where another public service vehicle is at rest for the same purpose drive the vehicle so as to endanger, cause inconvenience or interfere with the driver or the conductor of the other vehicle or any person mounting or preparing to mount thereon or alighting there from, and shall bring his vehicle to rest in front of or behind the other vehicle and on the left hand side of the road or place;

(v) shall at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it, or any brake, tyre or lamp thereof, is in a defective condition likely to endanger any passenger or other person or when there is not sufficient petrol or diesel oil in the tank of the vehicle to enable him to reach the next petrol filling station on the route;
(vi) shall not, except in the case of a motor cab, fill the tanks of the vehicle with petrol or other liquid fuel so long as any passengers are seated in it; and

(vii) shall issue a ticket to a passenger immediately on payment of the fare or freight except where arrangement outside the vehicle for the issue of tickets in advance to the intending passengers on payment of the fare or freight exists and the passenger has in his possession such a ticket.

98. **Duties of drivers and conductors of public service vehicles:**

The driver and the conductor of a public service vehicle:

(i) shall, as far as may be reasonably possible having regard to his duties, be responsible for the due observance of the provisions of the Ordinance and of these rules and of any conditions of the permit relating to the vehicle;

(ii) shall not smoke in or on a vehicle during a journey or when it has passengers on boards;

(iii) shall behave in a civil and orderly manner to passengers and intending passengers;

(iv) shall be cleanly dressed in such a manner as the Regional Transport Authority may specify;

(v) shall maintain the vehicle in a clean and sanitary condition;

(vi) shall not interfere with persons mounting or preparing to mount upon any other vehicle;

(vii) shall not allow any person to be carried in any public service vehicle in excess of the seating capacity specified in the certificate of registration of the vehicle, and any additional number permitted under the terms of the permit to be carried standing in the vehicle;

(vii) shall not solicit custom save in a civil or quiet manner;

(ix) shall not willfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle or as to the fare for any journey;
(x) shall not, save for good and sufficient reason, refuse to carry any person tending the legal fare;

(xi) shall, where goods are carried on the vehicle in addition to passengers, take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods;

(xii) shall not, save for good and sufficient reasons, enquire any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;

(xiii) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time table pertaining to the vehicle or where there is no such time table, with all reasonable dispatch;

(xiv) shall, in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond the control of the driver or the conductor, arrange to convey the passenger to their destination in some other similar vehicle, or, if unable so to arrange within a period of half an hour after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger had paid the fare;

(xv) shall not, in the case of a stage carriage, cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;

(xvi) shall, when using a stand, pay the fees fixed under sub-rule (5) of rule 228 and comply with any relevant condition subject to which the place is authorised as a stand; and

(xvii) shall take due care for the safe carriage of luggage belonging to the passengers.

99. **Lost property:** The conductor of a stage carriage or where there is no conductor, the driver, shall at the conclusion of any journey make search in the vehicle for anything left by any passenger and shall take into his custody anything so found, and upon the first opportunity make over the same to a responsible person at any office or station of the permit holder who shall keep or cause it to be kept for a maximum period of three days, unless it is
delivered to the rightful claimant, after which period anything so
found shall be handed over to an officer at the nearest police
station. He shall also maintain a register in form L.P.R. entering
all such vehicles.

100. **Conduct of passengers in stage carriages:** If at any time a
passenger in a stage carriage:-

(i) behaves in a disorderly manner; or

(ii) behaves in a manner likely to cause annoyance to any female
passenger; or

(iii) uses abusive language; or

(iv) molests any other passenger; or

(v) smokes, when smoking is prohibited, or when the vehicle is
being re-fuelled; or

(vi) spits, or

(vii) obstructs the conductor in the execution of his duties; or

(viii) is unable to pay the fare; or

(ix) refuses to pay the fare or travels without a valid ticket; or

(x) interferes without due cause with the conduct or driving of
the vehicle; or

(xi) refuses to show any ticket on demand by any authorised
person or surrender any ticket held by him in completing of the
journey for which it was issued; or

(xii) uses or attempts to use any ticket which has been altered or
defaced or (in the case of a ticket bearing an indication that it is
not transferable) issued to another person; or

(xiii) is reasonably suspected to be suffering from any
contagious or infectious disease; or

(xiv) commits or abets any offence under the Ordinance.
the driver and conductor, if any, may require such passenger to alight from the vehicle forthwith and may stop the vehicle and keep it standing until the passenger has alighted. Such passenger shall not be entitled to the refund of any fare which he may have paid, and any passenger failing to comply forthwith with such a requirement may be forcibly removed by the conductor or the driver and shall be guilty of an offence.

101. **Carriage of children and infants in a public service vehicle:**
In relation to the number of persons permitted to be carried in a public service vehicle:

(i) a child of not more than twelve years of age shall be reckoned as a half; and

(ii) a child of not more than three years of age shall not be reckoned.

102. **Licensing of conductors:**
(1) No person shall work as a conductor of a stage carriage and no employer shall so employ any person on any route or in any area specified by a Regional Transport Authority, unless such person holds a conductor’s licence in Form L. Con. granted by a licensing authority.

(2) A conductor’s licence shall be valid for a period of not less than one year and not more than three years from the date of issue or renewal and shall be effective throughout the Azad Kashmir/State.

(3) Applications for the grant of a conductor’s licence shall be made in writing to the licensing authority of the district where the applicant resides or normally works, in Form L. Con. A, and shall be accompanied by two clear copies of a recent photograph of the applicant and the prescribed fee.

(4) In the case of an application of the grant of licence, if the licensing authority has reason to suppose that the applicant is physically unfit to perform the duties of a conductor the authority may call upon him to produce a medical certificate of fitness in Form M.C. Con. signed by a registered medical practitioner, and in such case, the applicant shall furnish a third copy of the photograph prescribed in sub-rule (3) which shall be firmly affixed to the medical certificate of fitness and shall be signed or sealed by the registered medical practitioner.
(5) No person under the age of eighteen years shall hold a conductor’s licence.

(6) The fee for a conductor’s licence and for the renewal of a conductor’s licence shall be rupee one for each period of one year for which the licence is granted or renewed.

(7) Application for the renewal of a conductor’s licence shall be made by letter enclosing the licence, accompanied by the prescribed fee, addressed to the licensing authority by which the conductor’s licence was issued.

(8) If at any time a conductor’s licence is lost or destroyed or becomes illegible or the photograph attached thereto ceases in the opinion of the authority by which the licence was granted to be of a reasonable likeness of the holder, that authority shall proceed as if the conductor’s licence were a driving licence.

(9) A licensing authority may decline to issue a conductor’s licence if be satisfied.

(i) that the applicant’s knowledge of the provisions of the Ordinance and of these rules and of the duties and powers of a conductor thereunder is inadequate to enable him to perform the duties of a conductor; or

(ii) that the applicant was at any time the holder of a conductor’s or a driving licence which has been cancelled for misconduct; or

(iii) that the character or physique of the applicant is such as to render him as unsuitable person to hold a conductor’s licence; and may likewise decline to renew a conductor’s licence.

(10) A licensing authority may, for reasons to be recorded in writing, suspend or cancel a conductor’s licence issued by itself or any other licensing authority. Where a licensing authority suspends or cancels a licence granted by another authority, it shall communicate the particulars to that authority.

(11) Any Court by which a conductor is convicted of any offence in connection with his duty as conductor may cancel the conductor’s licence.
(12) A conductor of a stage carriage shall on demand by any police officer in uniform produce his conductor’s licence for inspection: provided that if at the time his licence is demanded he is displaying the badge prescribed in rule 104 it shall be sufficient compliance with this sub-rule if he produces the licence within forty-eight hours at any police-station which he specified to the police officer making the demand.

(13) No person shall hold more than one conductor’s licence; effective in the same region.

(14) The licensing authority may, by notification in the official Gazette, declare that such of these rules as are applicable to drivers or to driver’s licenses as may be specified in the said notification shall apply to conductor’s or to conductor’s licenses, as the case may be.

(15) In all matters relating to the grant, suspension and cancellation of conductor’s licenses, the licensing authority shall act under the control of the Asstt. Inspector General of Police of the area.

103. **Driver’s badge:-** (1) The driver of a public service vehicle shall display on his left breast or left arm a metal badges in the form illustrated in the Third Schedule to these rules issued to him by and inscribed with the name of the authority by which an authorisation to drive a public service vehicle has been granted and the word “Driver”, together with an identification number.

(2) A driver of a public service vehicle shall not hold more than one such badge issued by an authority in the Azad Kashmir/State.

(3) The fee for issue of a badge as aforesaid shall be rupee one. If badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on payment of rupees two. Upon the return to the issuing authority of a badge or of a duplicate badge the driver shall be entitled to a refund of rupee one.

(4) if at any time the authorisation on a driver’s licence entitling him to drive a public service vehicle is suspended or revoked by any authority or by any Court or it ceases to be valid by the efflux of time the driver shall within seven days surrender the badge to the authority by which it was issued.
104. **Conductor’s badge:**- (1) The conductor of a stage carriage shall display on his left breast or left arm metal badge in the form illustrated in the Third Schedule to these rules issued by and inscribed with the name of authority by which the conductor’s licence as granted and the word conductor together with an identification number.

(2) A conductor shall not hold more than one such badge issued by an authority in the Province, A.K.

(3) The fee for the issue of a conductor’s badge as aforesaid shall be rupee one. If the badge is lost or destroyed a duplicate badge shall be issued by the authority which issued it, on payment of rupees two. Upon return to the issuing authority of a badge or a duplicate badge, the conductor shall be entitled to a refund of rupee one.

(4) If at any time a conductor’s licence is suspended or cancelled by competent authority or by any Court or it ceases to be valid by the efflux of time, the conductor shall within seven days surrender the badge to the authority by which it was issued.

105. **Badge not to be transferred:**- (1) No driver and no conductor shall lend or transfer the badge prescribed in these rules to any other person, and no driver or conductor shall wear a badge other than one issued to him by the authority referred to in sub-rule (1) of rule 103 or sub-rule (1) rule 104.

(2) Any person finding a driver’s or a conductor’s badge shall, unless he turns the same to the holder, forthwith surrender it to the authority by which it was issued or to a police officer.

106. **Prohibition on use of force to collect passengers:**- No driver or conductor of a public service vehicle or agent for the sale of tickets shall touch any one or use force to any person with the object of inducing that person or any other to travel in any public service vehicle, or shout loudly or use any horn, bell gong whistle gramophone, loud speaker musical instrument or other device for creating a loud noise with the object to attracting passengers.

107. **Sale of tickets:**- In any district or other area to which this rule may be applied by Government, no driver or conductor of a public service vehicle or agent for the sale of ticket in a public
service vehicle shall sell or attempt to sell tickets or solicit custom in any place which has been notified by the District Magistrate by public proclamation or in such other manner as he may find convenient, as a place in which such sale soliciting is not permitted.

108. **Licensing of tickets agent in certain areas:**

   (1) In any district or other area to which this rule may be applied by Government, no person shall act as an agent for the sale of tickets for travel by a public service vehicle, otherwise than the vehicle itself or in affixed office, unless he has obtained from the licensing authority a licence permitting him to do so.

   (2) For the purpose of the preceding sub-rule, any person soliciting or attempting to persuade another person to travel in a vehicle, shall be deemed to be acting as an agent for the sale of tickets or travel thereby.

109. **Issue of ticket agent’s licence:**

   (1) Licences under the preceding rule shall consist of:

   (a) a permit in form T.A.P. and

   (b) a metal badge of the kind illustrated in the First Schedule to these rules.

   (2) No licence shall be issued to any agent except on the application of the person or company, being the holder of a permit for one or more public service vehicles for whom the agent is to act. The person or company making the application (hereinafter called the “principal”) shall be required to complete and authenticate the first part of the permit in Form T.A.P., the other entries being completed by or under the orders of the licensing authority.

   (3) The fee for the issue of a ticket agent’s badge as aforesaid shall be such as fixed by the Provincial Transport Authority from time to time. If a badge is lost or destroyed, a duplicate badge shall be issued by the authority, which issued it on payment of such amount as may be fixed from time to time.

110. **Cancellation of ticket agent’s licence:**

   (1) The licensing authority shall forthwith cancel any licence issued under rule 108 upon request made to him by the Principal on whose application it was granted.
(2) A Principal proposing to apply for the cancellation of a licence issued to an agent of his application may call on the agent to surrender the permit and badge, and the agent shall be bound forthwith to surrender the same to the principal.

(3) Where a principal requires any agent to surrender his badge and permit under the preceding sub-rule he shall forward the same, with his application for the cancellation of the licence to the licensing authority with the least possible delay and in any case within forty-eight hours.

111. **Term of ticket agent’s licence:-** Unless a shorter term is appointed, an agent’s licence shall be good for one year from the date of issue or renewal but may be cancelled at any time by the licensing authority if it appears to him that the conduct of the agent in his relations with the public has been unsatisfactory or that the agent is not a suitable person to continue as such:

Provided that before canceling the licence the authority shall give the agent an opportunity of showing cause against the proposed action.

112. **Badge to be exhibited:-** (1) An agent licensed under rule 108 shall carry his badge and permit on his person at all times when he is engaged in his duties, the badge being displayed prominently on the left breast.

(2) The agent shall be bound to exhibit his permit on the demand of any person whose custom he has sought to secure or of any police officer in uniform of or above the rank of head constable.

(3) If any person, not having been appointed an agent under rule 108 or his licence to act as an agent has been cancelled or has otherwise ceased to be valid exhibits a badge or permit of the kind prescribed on sub-rule (1) of rule 109 or any colourable imitation of such badge or permit he shall be punishable for a contravention of these rule.

113. **Appeals:-** (1) All orders made by a licensing authority under rule 109, 110 or 111 shall be appealable to the Asstt. Inspector General of Police of the area whose decision shall be final.
(2) The Asstt. Inspector General shall, before passing an order under sub-rule (1), give an opportunity to the appellant of being heard.

114. Prohibition of the carriage in public service vehicles of persons suffering from infections or Contagious diseases:-(1) No driver and no conductor of a public service vehicle shall cause or allow to be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease, or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease.

(2) Notwithstanding the provisions of sub-rule (1), the driver and the conductor may upon application in writing by a registered medical practitioner allow a person suffering from any infectious or contagious disease to be carried in a public service vehicle provided that no other person, save a person or persons in attendance on the sick person, shall be carried in the vehicle at the same time.

(3) When a person suffering from an infectious or contagious disease or the corpse of any such person has been carried in a public service vehicle, the driver and the conductor of the vehicle shall be responsible that the fact is reported to a medical officer of health and to the owner of the vehicle, and neither the owner nor the driver nor the conductor shall cause or allow any person to use the vehicle until the driver and the conductor, and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

115. Carriage of persons in goods vehicles:-(1) Save in the case of vehicle which is being used for the carriage of troops or police or in the case of a stage carriage in which goods are being carried in addition to passengers, no person shall be carried in a goods vehicle other than a bonafide employee of the owner or the hirer of the vehicle, and except in accordance with this rule, the owner of a goods vehicle may also travel in it for a purpose connected with bonafide business of the vehicle.

(2) No person shall be carried in the cab of a goods vehicle beyond the number for which there is seating accommodation at the rate of fifteen inches measured along the seat excluding the space reserved for the driver for each person and not more than
six persons in all in addition to the driver shall be carried in any goods vehicle.

(3) No person shall be carried upon the goods or otherwise in such a manner that such person is in danger of falling from the vehicle, and in no case shall any person be carried in a goods vehicle in such a manner that any part of his person, when he is in sitting position, is at a height exceeding ten feet from the surface upon which the vehicle rests.

(4) Notwithstanding the provisions of sub-rule (2), a Regional Transport Authority may, as a condition of a permit granted for any goods vehicle, specify the conditions subject to which a large number of persons may be carried in the vehicle: provided that such number shall not exceed the area in square feet of the floor of the vehicle divided by seven.

(5) Nothing contained in this rule shall be deemed to authorise the carriage of any person for hire or reward in any vehicle, unless there is in force in respect of the vehicle a permit authorising the use of the vehicle for such purpose, and save in accordance with the provisions of such permit.

(6) The driver of every goods vehicle other than a delivery van shall at all times carry an attendant at the rear of the vehicle. The attendant shall sit towards the rear of the vehicle and shall communicate with the driver by pressing the bell button or by other means about a vehicle approaching from the rear and desirous of overtaking or going ahead.

(7) The provisions of this rule shall not apply to motor vehicles registered under section 39 or 40.

116. Log books and complained books to be maintained by the drivers of certain transport vehicles:- (1) The driver of every contract carriage other than a motor cab, and of every goods vehicle for which a public carrier’s permit has been granted shall maintain a log book and shall enter particulars of every hiring therein.

(2) The particulars to be entered in the log book shall be:

(i) in the case of a contract carriage:-
(a) the name of the hirer, with sufficient particulars to enable him to be identified;

(b) the approximate number of persons included in the Party;

(c) the starting point and finishing point of the trip and the route to be followed;

(d) the date and time from which the hiring has effect;

(e) the date and time when the journey is expected to be completed; and

(f) the nature and weight of any good carried;

(ii) in the case of goods vehicle:

(a) serial number;

(b) description and weight of goods;

(c) place and time with date of dispatch;

(d) destination with probable time of arrival;

(e) distance;

(f) amount of freight charged;

(g) name and address of the consigner;

(h) name and address of the consignee;

(i) signature and designation of inspecting officer; and

(j) Remarks:

Provided that in the case of vehicle carrying, miscellaneous goods belonging to a number of owners the record of each consignment shall be kept in the standard way-bill form in the following form:-

Name of the Company.

Driver’s name………………………………..
(3) The particulars required by the preceding sub-rule shall be entered in the log book before the passengers or goods are taken into the vehicle and before the journey is begun.

(4) The provisions of this rule shall apply also to any stage carriage authorised for use as a contract vehicle or for the carriage of goods, in so far as the vehicle is used for either of those purposes.

(5) Log-books required to be maintained under this rule shall be produced by the driver at any time when the vehicle is on the road or at any reasonable time on the demand of any police officer not below the rank of head constable.

(6) The entries in the log books required by this rule shall be made in English, or vernacular script.

(7) (i) A complaint book in the form sub-joining this sub-rule shall be kept at the expense of the permit holders in every public service vehicle in a clean and tidy condition by the person immediately in charge of the vehicle and shall be produced by him on demand to any passenger;

(ii) The complaint book shall contain fifty sheets of half foolscap size with pages serially numbered and properly bound.

(iii) The permit holder or his agent shall not taper with any complaint recorded in the complaint book nor shall he remove any sheet therefrom.
(iv) The permit holder shall check up the complaint book at least once a week for taking appropriate action on the complaints recorded therein and intimating to the complainant and the secretary, Regional Transport Authority concerned the action taken thereon.

(v) The complaint book shall be called for by the Secretary Regional Transport Authority as suitable intervals to satisfy himself that appropriate action has been taken by the permit holder on the complaints recorded therein. In case the Secretary, Regional Transport Authority is dissatisfied with any action on a certain complaint, he shall proceed to take such disciplinary or penal action as deemed fit.

(iv) The Secretary Regional Transport Authority shall initial and put date on the last entry in the complaint book at the time of its inspection.

(vii) When finished, the complaint book shall be surrendered to the Regional Transport Authority concerned.

Form of complaint book for a Public Service Vehicle.

<table>
<thead>
<tr>
<th>Date of complaint.</th>
<th>Name and address of the complainant.</th>
<th>Details of report.</th>
<th>Action taken by permit holder.</th>
<th>Signature of the officer who inspected the complaint book.</th>
</tr>
</thead>
</table>

117. **Other records to be maintained:** (1) A Regional Transport Authority may, by general or special order, require the holder of a permit in respect of any transport vehicle to maintain records and submit returns in respect of the vehicle in such form as the authority may specify, and such records and returns may include particulars of the daily use of the vehicle in respect of:-
(i) the name and licence number of the driver and conductor and other attendant, if any;

(ii) the route upon which or the area within which the vehicle was used;

(iii) the number of miles traveled;

(iv) the time of commencement and termination of a journey and of any halts on a journey when the driver obtained rest;

(v) the weight of goods carried between specified places and the nature of the goods;

(vi) in the case of goods carried in a stage carriage, the number of trips and the mileage when goods were carried solely and when goods were carried in additions to passengers, and in the latter case, the number of the seats available for passengers.

(2) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person has in his possession a record in writing of the name and address of the driver as set forth in his driving licence, the number of the licence and the name of the authority by which it was issued.

118. **Change of address of permit holder:**

(1) If the holder of a permit cases to reside or to have his place of business, as the case may be, at the address set forth in the permit, he shall within fourteen days send Part A of the permit to the Transport Authority by which the permit was issued intimating the new address.

(2) Upon receipt of intimation under sub-rule (1), the Regional Transport Authority shall, after making such enquiries as it deems fit, enter in the permit the new address and shall intimate the particulars to the authority of any region in which the permit is valid by virtue of countersignature or otherwise.

119. **Intimation of damage to or failure of a public service vehicle:**

(1) The holder of any stage carriage or contract carriage permit shall, within seven days of the occurrence, report in writing to the Transport Authority by which the permit was issued any failure of, or damage to, such vehicle or to any part thereof, if the failure or damage is of such a nature as to render
the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days.

(2) The holder of any permit in respect of a service of stage carriages shall, within seven days the occurrence report in writing to the Transport Authority by which the permit was issued, any failure of, or damage to any vehicle, used by him under the authority of permit, of such a nature as to prevent the holder from complying with any of the provisions or conditions of the permit for a period exceeding three days.

(3) Upon receipt of a report under the preceding sub-rules, the Transport Authority by which the permit was issued may, subject to the provisions of rule 87 and 88:

(i) direct the holder of the permit within such period, not exceeding two months from the date of the occurrence, as the authority may specify either to make good the damage to or failure of, the vehicle or to provide a substitute vehicle; or

(ii) if the damage to or failure of the vehicle is such that in the opinion of the said authority it cannot be made good within a period of two months from the date of the occurrence, the authority may direct the holder of the permit to provide a substitute vehicle; and

when holder of the permit fails to comply with such direction, may suspend, cancel or vary the permit accordingly.

(4) The Transport Authority giving a direction, or suspending, canceling or varying a permit under sub-rule (3) shall send intimation of the fact to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

120. Alteration to motor vehicle:- (1) The owner of a transport vehicle or if the owner is not the holder of the permit, the holder of the permit shall, at the time when the report required by section 33 is made to the Registering Authority, forward a copy thereof to the Regional Transport Authority by which the permit relating to the vehicle was granted, or in the case of a permit relating a service of stage carriages, to the Regional Transport Authority by which the permit was granted under which the vehicle is being used.
(2) Upon receipt of a report under sub-rule (1), the Regional Transport Authority by which the permit was issued may, if the alteration is such as to contravene any of the provisions or conditions of the permit:–

(i) vary the permit accordingly; or

(ii) require the permit holder to provide substitute vehicle within such period as the authority may specify, and if the holder fails to comply with such requirement, cancel or suspend the permit.

(3) A Regional Transport Authority varying, suspending or canceling a permit or causing another vehicle to be substituted for a vehicle covered by a permit, shall intimate particulars to the Regional Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

121. **Provision as to trailer:**– (1) No trailer other than the trailing half of an articulated vehicle shall be attached to a public service vehicle:

Provided that a Regional Transport Authority granting or countersigning a stage or contract carriage permit may subject to the provision or rule 211, allow the towing of a trailer of a specified description by the vehicle on specified routes where proper facilities for the carriage of goods do not exist.

(2) Save in the case of a trailer being used for the carriage of troops or police, no person other than the attendant or attendants required by rule 212 shall be carried on a trailer.

(3) Subject to the provisions of sub-rule (4), all the provisions of these rules relating to a private carrier’s permit or to a public earner’s permit shall apply to any trailer used for the purposes of a private carrier or a public carrier, as the case may be.

(4) A Regional Transport Authority granting or countersigning a private carrier’s permit or a public carrier’s permit may require, as a condition of the permit or the countersignature, as the case may be, that no trailer or that not more than one trailer or that no trailer of a specified description shall be attached to any transport vehicle covered by the permit.
122. **Inspection of transport vehicles and their contents:** (1) Any police officer in uniform not below the rank of Assistant Sub-Inspector, may at any time when the vehicle is in a public place call upon the driver of goods vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer to make a reasonable examination of the contents of the vehicle.

(2) Notwithstanding the provisions of sub-rule (2), the police officer shall not be entitled to examine the contents of any goods vehicle unless:

(i) the permit in respect of the vehicle contains a provision of condition in respect of the goods which may or which may not be carried on the vehicle;

(ii) the police officer has reason to suppose that the vehicle is being used in contravention of the provisions of the Ordinance or these rules.

(3) Any police officer in uniform not below the rank of head constable may at any time when the vehicle is in a public place call upon the driver of a public service vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provisions of the Ordinance and these rules and the provisions and conditions of the permit in respect of the vehicle are being complied with.

123. **Taxi-meter:** (1) Where a Regional Transport Authority requires that a motor cab or a motor cab rickshaw shall be fitted with a taxi-meter, the taxi-meter shall be of pattern approved by the Provincial Transport Authority and shall be fitted in conformity with any instructions that may be issued by the Provincial Transport Authority in this regard.

(2) A permit holder required to fit a taxi-meter shall produce the taxi-meter fitted to vehicle before the Motor Vehicles Examiner, so that it may be tested and sealed, and shall produce the taxi-meter for examination subsequently whenever the vehicle to which it is attached is inspected or whenever for any reason it has become necessary to break a seal.
(3) No person shall drive or cause of permit to be driven any vehicle in respect of which an order has been made under sub-clause (vii) of clause (c) of section 53, if the taxi-meter is not attached to the vehicle and sealed or if he knows or has reason to believe that is not accurate or in proper working order.

124. **Power of officers to inspect taxi-meter:** Any police officer or any Motor Vehicle Examiner, or any Secretary, Regional Transport Authority, if he has reason to believe that a motor cab or a motor cab rickshaw fitted with a taxi-meter has been or is being plied with a meter which is defective or has been tampered with, stop such motor cab or a motor cab rickshaw and, in order to test such taxi-meter direct the driver or the person incharge of such motor cab or motor cab rickshaw to proceed to the officer or Motor Vehicle Examiner or other place and take or cause to be taken such other steps as he may consider proper for the purpose.

**CHAPTER V**

**CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES**

125. **General:** (1) No person shall use and no person shall cause or allow to be in any public place any motor vehicle which does not comply with the rules contained in this Chapter, or with any order thereunder made by competent authority.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicle so damaged or otherwise defective while being removed to the nearest reasonable place of repair or disposal:

Provided that where a motor vehicle can no longer remain under the effective control of the person driving the same it shall not be moved except by towing.

126. **Lamps:** (1) Save as hereinafter provided, every motor vehicle while in a public place during the period between half an hour after sun set and half an hour before sun rise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles, on the road at a distance of five hundred feet ahead, shall carry the following lamps (hereinafter referred to as “obligatory front lamps”):-
(a) save in the cases of a motor cycle, motor cab rickshaw, motor cycle rickshaw and an invalid carriage, two lamps showing to the front a white light visible from a distance of five hundred feet;

(b) in the case of a motor cycle, motor cab rickshaw, motor cycle rickshaw and invalid carriage, one lamp showing to the front light visible from a distance of five hundred feet and, where the registration mark exhibited at the front of the vehicle is exhibited on both sides of plate in the manner prescribed in sub-rule (5) of rule 31, so fixed as to illuminate both sides of the plate;

(c) in the case of side-car attached to motor cycle:-

(i) a lamp affixed to the extreme left hand side of the side car showing to the front a white light visible from a distance of five hundred feet, in addition to the lamp required by clause (b) to be carried on the motor cycle;

(ii) one lamp showing to the front a white light fixed on the central line of the vehicle so that it illuminates the front registration plate on both sides, and is forward of and attached to the steering mechanism in such manner as to be visible from a distance of five hundred feet and movable at all times in conjunction with any steering movement;

(iii) one Obligatory white front lamp fixed to each side at a height not exceeding three feet six inches and not less than two feet measured from the surface on which the vehicle rests so that each lies:-

(a) within the overall width of the vehicle and, as far as possible, to the extreme outer edge of the body; and

(b) along a line perpendicular to the longitudinal axis which passes through the centre of the rear axle;

and shall in every case also carry:-

(i) one lamp (hereinafter referred to as the “rear lamp”) showing to the rear a red light visible; from a distance of five hundred feet; and
(ii) a lamp, which may be the rear lamp or some other device illuminating with a white light, the whole of the registration mark exhibited on the rear of the vehicle, so as to render it legible from a distance of fifty feet to the rear; and shall in the case of a motor cab rickshaw, or a motor cycle rickshaw also carry two red rear lights to be fixed within the overall width not more than four inches each from the extreme outside of the body at a height not exceeding two feet six inches and not less than one foot six inches measured from the surface on which the vehicle rests:

Provided that when a motor vehicle is drawing another vehicle or vehicles and the distance between such vehicles does not exceed five feet, it shall not, subject to any other provision of these rules, be necessary for the drawn vehicles to carry obligatory front lamps or for any save the last drawn vehicle to carry a rear lamp or a lamp illuminating the rear registration mark.

(2) Every lamp required under sub-rule (1) to be carried shall during the aforesaid period be kept properly lighted and in an efficient condition.

(3) Obligatory front lamps shall be as nearly as possible of the same power and at the height from ground.

(4) No lamp showing a light to the front shall be so fixed that the centre of the lamp is more than five feet from the ground; provided that this provision shall not apply to the internal lighting of any motor vehicle or to any light necessary to illuminate the route board of a public service vehicle.

(5) The rear lamp shall be fixed either on the centre line of the vehicle or to the right-hand side and, save in the case of a transport vehicle, at a height of not more than three feet six inches from the ground. In the case of a transport vehicle the rear light may be fixed at such a level as may be necessary to illuminate, the registration mark.
(6) Where a trailer is being drawn by a Motor vehicle, other than the drawn part of an articulated vehicle, a lamp of as nearly as possible the same size and power as the rear lamp and showing red light to the rear shall be affixed to the trailer vertically above or below the rear lamp at a distance of not less than two feet or more than three feet from the rear lamp.

(7) No motor vehicle shall show a red light to the front or other than red light to the rear provided that this provision shall not apply to the internal lighting of the vehicle or to an amber light if displaced by any direction indicator.

(8) No lamp showing a light to the front shall be used on any vehicle unless such lamp is so constructed, filled and maintained that the beam of light emitted there from:

(a) is permanently deflected downwards to such an extent that it is at all time incapable of dazzling any person standing on the same horizontal place as the vehicle at a greater distance than twenty-five feet from the lamp, and whose eye-level is not less than three feet six inches above that place; or

(b) can be deflected downwards and to the left by the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid; or

(c) can be extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with clause (a); or

(d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or brings into or leaves in operation a lamp or lamps which complies or comply with clause (a).

(9) Sub-rule (8) shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

(10) Nothing in this rule shall apply to any vehicle when actually in use by or on behalf of Military, Police, or Civil Defence.
127. **Brakes:**-(1) Every motor vehicle shall be fitted with brakes of sufficient strength capable of stopping the vehicle within the distance specified in sub-rule (10) and of holding it at rest in all conditions, and all the brakes with which the motor vehicle is fitted shall at all times be properly connected and shall be maintained in good and efficient condition.

(2) Every motor vehicle, other than an invalid carriage, a trailer, a road roller or a locomotive, shall be equipped with an efficient braking system or systems sufficient to supply two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for the driver to apply, to not less than half the number of the wheels of the vehicle, brakes sufficient under the most adverse condition to bring the vehicle to rest within a reasonable distance:

Provided that save in the case of a tractor or a heavy motor vehicle, in the event of such failure as aforesaid it shall not be necessary for brakes to be available for application by the driver:

(a) in the case of a motor vehicle registered in any district or State now forming part of Azad Kashmir before the first day of April, 1940, to more than two wheels; and

(b) in the case of a motor vehicle having less than four wheels to more than one wheel.

(3) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.

(4) in the case of vehicles registered in any district or State now forming part of Azad Kashmir on or after the first days of April, 1940, no braking system shall be dependent upon the rotation of the engine:

Provided that this sub-rule shall not apply in the case of a vehicle referred to in clause (b) of sub-rule (8) or to the braking system of any trailer or of the trailing half of any articulated vehicle.
(5) The brakes of a motor vehicle which are operated by one of the means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(6) In the case of a motor vehicle with more than three wheels, other than an invalid carriage, a road roller or a locomotive, where any brake shoe is capable of being applied by more than one means of operation, all the wheels shall be fitted with brakes, all of which are operated by one of the means of operation:

Provided that except in the case of a tractor:-

(a) where a motor vehicle has more than six wheels, at least four of which are steering wheels, it shall be sufficient compliance with this sub-rule if brakes are fitted to all the wheels other than two steering wheels which are situated on opposite sides of the vehicle, and all such brakes are operated by one of the means of operation;

(b) where a motor vehicle has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels, it shall be deemed to be a sufficient compliance with this sub-rule if one of the means of operation operates the brakes on two driving wheels situated on opposite sides of the vehicle and the other means of operation operate brakes on all the other wheels required to be fitted with brakes by this sub-rule:

Provided further that where means of operation are provided in addition to those prescribed by this rule, such additional means of operation may be disregarded for the purposes of this sub-rule.

(7) One at least of the means of operation shall be capable of causing brakes to be applied directly and not through the transmission gear to all the wheels of the vehicle:

Provided that in the case of a motor vehicle registered in any district or State now forming part of Azad Kashmir before the first day of April, 1940, it shall be deemed to be a sufficient compliance with this sub-rule if one of the means of operation
applies brakes directly and not through the transmission gear to not less than two of the wheels of the vehicle:

Provided further that where a motor vehicle has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels, it shall be deemed to be a sufficient compliance with this sub-rule if the brakes applied by one means of operation act directly on two driving wheels on opposite side of the vehicle and the brakes applied by the other means of operation act directly on all other driving wheels.

(8) For the purposes of this rule:

(a) in the case of a motor vehicle other than an invalid carriage, a road roller or a locomotive:

(i) except in the case of a motor vehicle the unladen weight of which does not exceed, 2,240 pounds or which is a passenger vehicle constructed or adapted to carry more than ten passengers exclusive of the driver, not more than one front wheels shall be taken into account in deciding whether the condition in sub-rule (2) is fulfilled, that brakes must be available which can be applied to half the number of wheels of the vehicle; and

(ii) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system;

(b) in case of a motor vehicle propelled by steam and not used as a public service vehicle, the engine shall be deemed to be an efficient braking system with one means of operation if the engine is capable of being reserved and is incapable of being disconnected from any of the driving wheels of the vehicle except by the sustained action of the driver.

(9) Every locomotive shall have an efficient braking system, the brakes of which act upon all the wheels of the locomotive other than the steering wheels: provided that this provision shall not apply to a locomotive registered in any district, if the locomotive is propelled by steam and the engine thereof is capable of being reserved.
(10) The braking system operated by one of the means of operation shall, according to whether the vehicle is laden or unladen be capable of bringing it to rest when traveling at the speed specified in the table below within the distance therein specified when, at the time of the application of the brakes, the vehicle is traveling over a hard dry level road in good condition with top gear and clutch engaged, or when in the same conditions the efficiency of the brakes as determined by a brake-testing meter approved by government is not less than thirty percent when the vehicle is laden and not less than forty percent when the vehicle is unladen:-

<table>
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<tr>
<th>SPEED MILES PER HOUR</th>
<th>DISTANCE IN FEET TO STOP FROM APPLICATION OF BRAKES</th>
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<td>VEHICLE LADEN</td>
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<td>20</td>
<td>45</td>
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<td>15</td>
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(11) For the purpose of the preceding sub-rule a vehicle shall be held to be laden when it carries not less than fifty percent of the full load for which it is constructed.

128. **Reversing:** Every motor vehicle other than a motor cycle shall be capable of moving forward and backward under its own power.

129. **Horns:** (1) Every motor vehicle shall be fitted with a horn or other approved device available for immediate use by the driver of the vehicle and capable of giving audible and sufficient warning of the approach or position of the vehicle.

(2) No motor vehicle shall be fitted with any multitoneed horn giving a succession of different note or with any other sound producing device giving an unduly harsh, shrill, loud or alarming noise.

(3) Nothing in sub-rule (2) shall prevent the use on vehicle used as ambulances or for fire fighting or salvage purposes, or on vehicle used by police officers in the course of their duties, or on other similar vehicles of such sound signals as may be approved by Government.
(4) Every transport vehicle shall be fitted with a bulb horn.

130. **Silencers:** (1) Every motor vehicle shall be fitted with a device (herein referred to as a silencer) which by means of an expansion chamber or otherwise reduces as far as may be reasonable and practicable the noise that would otherwise be made by the escape of exhaust gases from the engine.

(2) every motor vehicle shall be so constructed or equipped that the exhaust gases from the engine are not discharged downwards so as to impinge on the road surface.

131. **Mirror:** Every transport vehicle, other than motor cab, shall be fitted externally, and every other motor vehicle except a motorcycle having not more than two wheels and to which a side-car is not attached, shall be fitted either internally or externally, with a mirror so placed as to enable the driver to be or become aware of the presence, in the rear of any other vehicle the driver of which is desirous of passing such motor vehicle.

132. **Dangerous projections:** (1) No mascot or other similar fitting or device shall be carried on any motor vehicle registered in any district or State now forming part of Azad Kashmir after the 1st day of April, 1941 in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub cap projects laterally more than four inches beyond the rim of the wheel to which it is attached, unless the hub or hub cap does not project laterally beyond the body or wings if the vehicle is provided with an adequate guard.

133. **Noise:** Every motor vehicle shall be so constructed and maintained as not to cause undue noise when in motion.

134. **Safety Glass:** (1) The glass of wind screen and the covered portions besides the wind screen or windows facing to the front on the outside of every motor vehicle except glass fitted to the upper deck of a double-decked vehicle shall be safety glass.

(2) for the purpose of this rule:
(a) “safety glass” means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts;

(b) any wind screen or window at the front of the vehicle the inner surface of which is at an angle exceeding thirty degree to the longitudinal axis of the vehicle shall be deemed the face to the front.

(3) this rule shall not apply to a motor vehicle registered in any district or State now forming part of Azad Kashmir before the first day of April, 1940.

135. **Arrangement and maintenance of glass:** The glass of the front wind screen, side and rear window of every motor vehicle shall be such and shall be maintained in such condition as to be clearly transparent and allow the driver a clear vision to the front and of the sides and through the prescribed mirror to the rear of the vehicle.

136. **Wind screen wiper:** (1) An efficient automatic wind-screen wiper shall be fitted to every motor vehicle which is so constructed that the driver cannot by opening the wind-screen or otherwise obtain an adequate view to the front of the vehicle without looking through the wind-screen.

(2) This rule shall not apply to a motor vehicle registered in any district or State now forming part of Azad Kashmir before the first day of April, 1940.

137. **Tyres:** (1) The pneumatic tyres of every motor vehicle shall be kept properly inflated and in good and sound condition.

(2) A tyre shall be deemed to be not in good and sound condition if:-

(a) any of the fabrics of the casing or breaker-strip is exposed by wear of the tread or by any unvulcanised cut or abrasion of any part; or

(b) the tyre shows signs of incipient failure by local deformation or swelling; or

(c) the tyre has been patched or repaired by an outside gaiter or patch other than a properly vulcanised repair;
Provided that clause (c) shall not apply to a temporary repair effected to enable that vehicle to be moved to the nearest reasonable place where the tyre can be repaired or replaced.

(3) No motor vehicle other than a track-laying vehicle shall be driven at a speed in excess of six miles per hour unless it is fitted with pneumatic tyres on all wheels.

138. **Emission of smoke vapour of Grease:** (1) Every motor vehicle shall be so constructed, shall be maintained in such condition, and shall be so driven and used that there shall not be emitted there from any smoke, visible vapour, grit, sparks, ashes, cinders, or oily substance the emission of which could be prevented or avoided by the taking of reasonable steps or the exercise of reasonable care or the emission or which might cause damage or annoyance to other persons or property or endanger the safety or any other users of the road.

139. **Speedometer:** (1) Every motor vehicle, other than an invalid carriage or a vehicle which may not, under the provisions of the Eighth Schedule to the Ordinance, at any time be driven at a rate of speed in excess of six miles per hour, shall be fitted with an instrument (hereinafter referred to as a “speedometer”) so constructed and in such a position as at all times readily to indicate to the driver the speed at which the vehicle is traveling.

(2) A speedometer shall be deemed to satisfy the requirements of this rule if upon test it is found to be accurate within ten percent above or below the speed specified for the vehicle in the Eighth Schedule to the Ordinance, or if no speed is so specified, then above or below a speed of thirty miles an hour.

140. **Springing:** Every motor vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient means of springing adequately maintained in good and sound condition between the road wheels and the frame of the vehicle:

Provided that this rule shall not apply to:

(a) any motor vehicle registered in any district of Azad Kashmir, if any means of springing with which it is fitted are adequately maintained in good and sound condition;
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(b) any tractor not exceeding ten thousand pounds in weight unladen if all the unstrung wheels of the tractor are fitted with pneumatic tyre;

(c) any land locomotive, and tractor, and implement, agricultural trailer, or any trailer used solely for the haulage of the felled trees;

(d) motor cycle;

(e) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another or to works or premises within a distance of two miles.

141. **Steering**: The steering mechanism of every motor vehicle shall be adequately maintained in good and sound condition, free from backlash exceeding forty-five degrees on the steering wheel. All roads and arms shall be adequately protected by bumpers or otherwise from damage and where the connections are secured with bolts or pins, the bolts or pins shall be effectively locked. All connections made with pins shall be such that when they are in any position other than horizontal the head of the pin shall be uppermost.

142. **Overall width**: The overall width of every motor vehicle measured at right angle to the axis of the motor vehicle between perpendicular planes enclosing the extreme points shall not exceed-

(a) in the case of a motor vehicle, other than a transport vehicle (but including a motor cab), seven feet and two inches;

(b) in the case of a transport vehicle, other than a motor cab, eight feet;

Provided that the Chairman, Provincial Transport Authority, may, after taking into consideration the local conditions, restrict the use of a vehicle with a maximum overall width of eight feet or less on a specified route or routes or in a specified areas within the State:

Provided further that no vehicle with overall width exceeding eight feet, registered in the State before the 1st July, 1965, shall be restricted under the provisions of this rule.
Overall length:-  (1) The overall length of every motor vehicle other than a trailer shall not exceed-

(a) in the case of a vehicle having not more than two axles, thirty feet;

(b) in the case of a rigid framed vehicle having more than two axles, thirty feet;

(c) in the case of an articulated vehicle having more than two axles thirty three feet (including the rear part of trailer);

(d) in the case of a motor cab rickshaw or a motor cycle rickshaw, nine feet six inches.

(2) This rule shall not apply in the case of an articulated vehicle constructed and normally used for the conveyance of indivisible loads of exceptional length:-

(a) if all the wheels of the vehicle are fitted with pneumatic tyre; or

(b) if all the wheels of the vehicle are not fitted with pneumatic tyres, so long as the vehicle is not driven at a speed exceeding twelve miles per hour.

(3) In this rule overall length means the length of the vehicle measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of:-

(a) any starting handle;

(b) any hood when down;

(c) any ladder forming part of a turnable fire escape fixed to the vehicle;

(d) any post office letter box the length of which measured parallel to the axis of the vehicle does not exceed twelve inches;

(e) any steps giving access to the interior of the vehicle in the case of a single-decked vehicle;
(f) any light ladder giving access to the roof of the vehicle.

144. **Overall height:**

1. The overall height of a motor vehicle (other than a double-decked motor vehicle) a motor cab rickshaw, and a motor cycle rickshaw measured from the surface on which the motor vehicle rests shall not exceed eleven feet.

2. The overall height of double-decked motor vehicle shall not exceed fifteen feet six inches.

3. The overall height of a motor cab rickshaw or a motor cycle rickshaw measured from the surface whereon the vehicle rests to its highest point inclusive of any hood when in raised position, shall not exceed six feet.

4. This rule shall not apply to fire escapes twice wagons and other special purpose vehicles exempted by the general or special order of the District Magistrate.

145. **Overhang:**

1. The overhang of a tractor or locomotive shall not exceed six feet.

2. The overhang of a motor cab rickshaw shall not exceed two feet, unless the chassis has a luggage carrier attached to it. The side overhang of motor cab rickshaw shall not exceed four inches. For the purposes of this sub-rule “side overhang” means for any one side the distance measured laterally between the extreme outer side of the tyre of the wheel constituting that end of the traverse base, and the perpendicular plane enclosing the extreme points of that side from which the overall width is measured. In the case of dual wheels, reference shall be made to the tyre of the outer wheel.

3. The overhang of a motor vehicle other than a tractor or locomotive or a motor cab rickshaw, shall not exceed fifty and forty-five percent for plain road and hill roads in Schedule I, respectively, of the distance between the plane perpendicular to the axis of the motor vehicle which passes through the centre or centres of the front wheel or wheels and the foremost vertical plane from which the overhang is to be measured as defined in sub-rule (4).

4. For the purposes of this rule “overhang” means the distance measured horizontally and parallel to the longitudinal exist of the vehicle between two-vertical planes at right angles to such axis.
passing through the two points specified in paragraphs I and II of this definition, respectively.

I. The rear most point of the vehicle exclusive of:

(a) any hood when down;

(b) any post office letter box, the length of which measured parallel to the longitudinal axis of the vehicle does not exceed twelve inches;

(c) any ladder forming part of a turnable fire escape fixed to a vehicle;

(d) any steps giving access to the interior of the vehicle in the case of single-decked vehicle;

(e) any light ladder giving access to the roof of the vehicle;

(f) any luggage carrier fitted to a motor vehicle constructed solely for the carriage of a passangers and their effects and adapted to carry not more than seven passengers exclusive of the driver;

II. (a) In the case of a motor vehicle having only two axles, the front axle alone being at steering axle, the center point of the rear axle; or

(b) in the case of a motor vehicle having only three axles where the front axle is the only steering axle, a point four inches in rear of the centre of a straight line joining the centre points of the rear and middle axles; or

(5) In the case of any vehicle registered in any district, it shall suffice if the overhang does not exceed fifty-five percent of the wheel base of the vehicle.

146. **Turning circle:** A motor cab rickshaw or a motor cycle rickshaw shall be so constructed as to be capable of turning in either direction in a circle not exceeding sixteen feet in diameter: provided that in no case shall be motor cab rickshaw be capable of turning in the aforesaid manner in a circle less than twelve feet in diameter. For the purposes of this rule the diameter of circle shall be determined by reference to the extreme outer wheel track.
147. **Direction indicators and stop lights:** (1) For the purpose of the proviso to section 83 the signal of an intention to turn to the right or left may be given by a mechanical or electrical direction indicator and during the period between half an hour after sunset and half an hour before sunrise, the signal of an intention to stop may be given by an electrical stop-light as hereinafter specified.

(2) Every direction indicator shall when in operation be in either of the two forms prescribed below:-

(a) An illuminated sign of amber colour with a minimum illuminated length of six inches and a maximum illuminated breadth not exceeding one-fourth of the illuminated length, the illuminated surface being visible, both from front and rear of the vehicle, or during the period between half an hour before sunrise and half an hour after sunset, in the form of an arrow not less than six inches in length, presenting a white surface visible both from the front and rear of the vehicle,

(b) Blinking or flasher light unit consisting of right and left hand front and rear signal lamps, the front lamps coloured amber or white and the rear lamps coloured red. This unit when operated shall flash neither slower than 60 nor faster than 120 times a minute under average operating conditions.

(3) A direction indicator, in form (a) described in sub-rule (2), intended to indicate a right-hand turn shall be fitted on the right side, and a direction indicator intended to indicate a left hand turn, shall be fitted on the left side of the vehicle, and except as provided in sub-rule (6) every direction indicator shall be so designed and fitted that-

(a) it is not more than four feet towards the rear from the base of the windscreen;

(b) it is not more than six feet and six inches above the level of the ground;

(c) when in operation to indicate a turn:-

(i) it assumes a horizontal position projecting transversally from the body of the vehicle;
(ii) the distance between its outermost point and the vertical cross section passing through the central longitudinal axis of the vehicle shall be more than the distance between the outer-most point on the latter part of the vehicle and the said cross section by at least six inches; and

(iii) it remains steady.

(d) the driver of the vehicle when in driving seat may be readily aware that it is operating correctly:

Provided that clause (a) shall not apply in the case of a pillar less saloon motor car if the direction indicator is not situated behind the widest part of the body.

(4) For the purpose of this rule ‘pillar less saloon motor car’ means a motor vehicle which is constructed solely for the carriage of passengers and their effects and is adapted to carry not more than ten persons exclusive of the driver and which has-

(a) an enclosed body with four doors; and

(b) no vertical dividing pillar between the doors on either side of the vehicle.

(5) A direction indicator in form (b) described in sub-rule (2), shall be so designed and fitted that-

(a) the flashing signal lamps are mounted as high on the vehicle as practicable and the common axis of the front and rear signal lamps on either side are substantially parallel to the longitudinal axis of the vehicle;

(b) the signals in the front and the rear are so mounted as to be visible from directly in front or rear to 45 degrees to the left for the left lamps and 45 degrees to the right for the right lamps (right or left as viewed from the driver’s seat);

(c) within the horizontal angles specified in (b) above, all signals are visible from 10 degrees above to 10 degrees below the horizontal;

(d) the front and the rear flasher units are placed as far apart laterally as practicable, but in no case is the spacing less than
three feet for commercial vehicles and two feet for noncommercial vehicles;

(e) the location of front signal lamps in such as to make them clearly indicative from a distance of at least 100 feet under normal sunlight and darkness and when the head lamps are lighted on the lower beam.

(6) Additional direction indicators in form (a) described in sub-rule (2), may be fitted at the rear of any vehicle, provided that:-

(a) they are only used co-incidentally with those fitted in accordance with the provisions of sub-rule (3), and

(b) they are visible at a reasonable distance from any point in the rear of the vehicle.

(7) Every direction indicator shall be so fitted that when not in operation will not be likely to mislead the driver of any other vehicle or any person controlling traffic.

(8) Every stop light shall be fitted at the rear of the vehicle and not to the left of the centre thereof and when in operation shall show a red or amber light:

Provided that nothing in this rule shall prevent the fitting of an additional stop light on the left side of the vehicle which comes into operation at the same time as the stop light fitted at the centre or on the right side of the vehicle.

(9) Every light shown by a direction indicator or stop-light shall be diffused by means of frosted glass or other adequate means and in case a direction indicator in form (a) described in sub-rule (2), and a stop-light, shall be a steady light.

(10) Every direction indicator and every stop light shall be such as to be readily operated by the driver of the motor vehicle at all times when sitting in a normal driving position.

(11) In the case of a motor vehicle fitted with right hand steering control, nothing in this rule shall be taken to require that a direction indicator or a stop light shall be fitted. In the case of a motor vehicle with left hand steering control a direction indicator as specified in this rule is compulsory.
(12) No left hand drive control vehicle shall be registered or used or permitted or caused to be used without exhibiting a distinctive triangular plate exhibiting the words “Left hand Drive” on the extreme right hand side of the rear of a vehicle at a level at least three inches of higher than the registration number plate of the vehicle in a conspicuous manner in the form illustrated in the following diagram:-

**DIAGRAM**

![Diagram of triangular plate](image)

(1) Each side of the triangular plate shall be 10¼ inches.

(2) The surface of the plate shall be white with a red border of 1 inch on each side.

(3) The letters of the words “left Hand Drive” shall be 1 inch high and 1/8 inch thick at any part.

(4) The words “Left Hand Drive” shall be depicted in block 1 letters in black in two lines as shown in the diagram.

148. **Wings**: (1) Every motor vehicle except a locomotive, a tractor or a trailer shall, unless adequate protection is afforded by the body of the motor vehicle, be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

(2) The rear wheels of every trailer except a trailer drawn by a locomotive shall be provided with wings as aforesaid.

149. **Side-car wheel**: Every side-car attached to a motor cycle shall be so attached, at the left hand side of the motor cycle, that the wheel thereof is not wholly outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through
the extreme projecting points in front and in the rear of the motor cycle.

150. **Communication with driver:** Every motor vehicle for the use of passengers in which the driver’s seat is separated from any passengers compartment by a fixed partition which is not capable of being readily opened, shall be furnished with efficient means to enable the passengers in such compartment and the conductor, if any, to signal to the driver to stop the vehicle.

151. **Marks to be exhibited on vehicles being driven to a place of registration:** (1) When on the authority of sub-section (2) of section 23, a motor vehicle is driven to or from a place of registration without a registration mark the following particulars shall be exhibited thereon namely:

(a) the name of the owner;

(b) the designation of the firm from which the vehicle has been purchased, if it has been newly acquired by the owner.

(c) the date and time (to be ascertained by a previous inquiry from the registering authority) when the registration is to be carried out.

(2) The particulars required by the preceding sub-rule shall be exhibited on boards in front and rear of the vehicle in letters and figures not less than two inches high.

152. **Special marks to be exhibited on a stage carriage when in use as a contract carriage:** (1) No stage carriage or vehicle forming part of a service of stage carriage shall be used as a contract carriage unless a board is affixed on each side of the vehicle showing that it is for the time being in use as such and not as a stage carriage.

(2) The boards required by the preceding sub-rule shall exhibit the words “ON CONTRACT” in red letters on a white ground, the letters being of a size not less than as prescribed for the numerals of a registration mark, and shall be affixed in a prominent and un-obscured position at or near roof level.

(3) The boards required by sub-rule (1) shall be affixed before the commencement of any trip for which the vehicle is being used as a contract carriage and shall be kept affixed throughout
the whole of the trip, and any boards or marks indicating the route or routes on which the vehicle is operated at other times shall be removed or covered up throughout the trip.

SPECIAL RULES APPLICABLE TO ALL PUBLIC SERVICE-VEHICLES

153. **General**: Every public service vehicle, and all parts thereof including paint work or varnish, shall be maintained in a clean and sound condition, and the engine, mechanism and all working parts in reliable working order.

154. **Painting of Public Service Vehicles**: Every company or co-operative society which operates a fleet of transport vehicles shall paint such vehicles according to the pattern and a particular colour scheme approved and registered before hand, by the Regional Transport Authority concerned. The particulars of the colour, scheme shall be entered in the permits and no other company or society shall be entitled to paint its vehicles according to a colour scheme adopted by the Road Transport Corporation, another company or society in Azad Jammu and Kashmir.

155. **Stability**:

1. The stability of a double-decked public service vehicle shall be such that when loaded with weights of 130 pounds per person placed in the correct relative positions to represent the driver and conductor (if carried) and a full compliment of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of twenty-eight degrees from the horizontal the point at which overturning occurs would not be reached.

2. The stability of a single-decked public service vehicle, other than a motor cab, shall be such that under any conditions of load, at an allowance of 160 pounds for every passengers for which the vehicle is registered, if the surface on which the vehicle stands were tilted to either side to an angle of thirty-five degrees from the horizontal the point at which overturning occurs would not be reached.

3. For the purpose of conducting tests of stability, the height of any stop used to prevent a wheel of the vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted, and that part of the rim of that wheel which is then nearest
to such surface when the wheel is loaded in accordance with the requirements of this rule.

156. **Side overhang:** In the case of a vehicle used as a stage carriage, no part of the vehicle other than a direction indicator, when in operation, or a driving mirror shall project laterally more than fourteen inches, beyond the centre line of the rear wheels in the case of single rear wheels or more than six inches beyond the extreme outer tyre in the case of dual rear wheels.

157. **Seating room:** (1) In every public service vehicle, other than a motor cab, there shall be provided for each passenger a reasonably comfortable seating space of not less than fifteen inches square measured on straight lines along and at right angles to the front of each seat, and

(a) when the seats are placed, along with vehicle, the backs of the seats on one side shall be at least fifty-four inches distance from the backs of the seats on the other side;

(b) When the seats are placed across the vehicles and are facing in the same direction there shall be every-where a clear space of not less than twenty-five inches between the front of the seat back and the back of the seat in front of it, measured horizontally at seat level;

(c) when seats are placed across the vehicle and are facing each other there shall be everywhere a clear space of not less than fifty inches between the backs on facing seats; and

(d) when seat is facing a partition bulkhead or other obstruction there shall be a clear space of not less than thirty-one inches between the front of the seat back and the face of the partition and if the partition bulk-head or obstruction is recessed at the bottom in such a manner as to allow a full width foot space not less than six inches high and six inches deep, the clear space aforesaid shall not be less than twenty-five inches and the distance between the front edge of the seat and the partition bulk-head or other obstruction not less than ten inches.

(2) The backs of all seats shall be closed to a height of sixteen inches above seat level.
(3) Sub-rules (1) and (2) of this rule shall not apply to any vehicle registered in any district: provided that the number of passengers for which the vehicle was licensed initially is not exceeded.

(4) (a) In a motor cab rickshaw there shall be provided for each passenger a reasonably comfortable seating space of not less than fifteen inches square measured in straight lines along and at right angles to the front of each seat and so constructed that:

(i) the overall height of each seat measured from the passenger’s platform shall not be less than twelve inches; and

(ii) there shall be clear space not less than fifteen inches wide in front of and at right angles to the perpendicular plane passing through the form of each seat.

(b) The back of the passenger’s seat shall be fitted with a back rest which shall be:

(i) enclosed upto a height fifteen inches above seat level; and

(ii) inclined to the rear making an angle of 5 degrees or more but not exceeding 10 degrees with the vertical plane passing through the back line of the seat.

(c) The passenger’s seat and back rest shall be provided with fixed cushions covered with leather cloth of good quality or other suitable material capable of being kept in a clean and sanitary condition.

(d) (i) The side of the passenger’s seat shall be closed with a rigid side guard constructed of wood or other suitable materials, to a height of ten inches above overall seat level:

    Provided that where one seat is in continuation of the other it shall be sufficient compliance with this rule, if side guard is fitted only to the outer most side of each seat; and
(ii) the inner side of each side guard shall be so padded and covered with leather cloth of good quality or other suitable materials that it is not liable to injure any passenger.

(c) The passengers seat and back rests as aforesaid shall be so fixed as to lie across the vehicle and shall face forward.

158. **Gangway**: (1) In every compartment of every public service vehicle the entrance to which compartment is from the front or rear there shall be a gangway along the vehicle,

(a) where seats are placed across the vehicle there shall be as gangway a clear space of not less than twenty-four inches measured between the fronts of the seats; and

(b) where seats are placed across the vehicle there shall be as gangway, clear space of not less than eleven inches between any part of adjoining seats or the supports.

(2) Where the vehicle has seats across the full width of the body with separate doors to each seat, a gangway from front to rear of the vehicle shall not be required.

159. **Limit of seating capacity**: No withstanding anything contained in these rules, no public service vehicle, other than a motor cab, shall be registered for a number of passengers in excess of the number obtained by subtracting two hundred and sixty pounds from the difference in pounds between the registered laden and unladen weight of the vehicle and dividing the resulting figure by 160 in the case of a single decked vehicle and by 130 in the case of a double decked vehicle or for such number of passengers that when the vehicle is loaded in a normal manner, the axle weight of any axle will exceed the registered axle weight for that axle.

160. **Head-room**: Except in so far as this rule may be modified by Government in any particular case, every public service vehicle, other than a motor cab, shall have the following internal height or head-room measured along the centre of the vehicle from the top of the floor boards or battens to the underside of the roof supports:
(a) in the case of a single-decked vehicle with permanent top, not less than four feet and six inches and not more than six feet;

(b) in the case of a single-decked vehicle with a movable hood, not less than four feet and six inches;

(c) in the case of a double-decked vehicle such measurements as Government may determine in each particular case;

(d) in the case of a vehicle allowed to carry standing passengers and plying exclusively within an urban area, not less than six feet.

161. **Driver’s seat:**

(1) No public service vehicle shall be driven otherwise than from the right hand side of the vehicle.

(2) On every public service vehicle space shall be reserved for the driver’s seat such as to allow him to exercise full and unimpeded control of the vehicle, and in particular:

(a) the part of the seat against which the driver’s back rests shall not be less than eleven inches from the nearest point on the steering wheel;

(b) the width across the vehicle shall be not less than twenty-seven inches and shall extend to the left of the centre of the steering column in no case of less than ten inches and so that a line drawn parallel to the axis of the vehicle through the centre of any gear lever, brake lever or other suitable partition to a height not less than twelve inches above the seat, and continued forward of the seat at an adequate height above the floor of the vehicle.

(3) No public service vehicle shall be so constructed that any person may sit or any luggage may be carried on the right hand side of the driver.

(4) Every public service vehicle shall be so constructed that save for the front pillar of the body, the driver shall have a clear vision both to the front and through angle of ninety degrees to his right hand side. The front pillar of the body shall be so constructed as to obstruct the vision of the driver to the least possible extent.
(5) (a) No motor cab rickshaw or a motor cycle rickshaw shall be driven otherwise than from a fixed driver’s seat positioned forward of the passenger’s seats and so constructed as to allow the driver to have full and unimpeded control of the vehicle.

(b) No driver’s seat shall be so constructed that any person may sit or any luggage may be carried by the side of or forwarded of the driver.

162. **Driver’s seat in a motor cab rickshaw, or a motor cycle rickshaw:** A motor cab rickshaw or a motor cycle rickshaw shall be provided with a closed partition of wood or other suitable material, so fitted forward to the passengers seat and behind the driver’s seat as to be capable of preventing the passengers from being thrown forward in the event of a sudden emergent stop. The partition shall be placed across the vehicle and perpendicular to the longitudinal axis. Its height, measured from the passenger’s platform shall not be less than the total length of the passenger’s seats. In order to provide at all times a hold for the passengers when entering or leaving the vehicle, on the partition shall be fitted a hand rail equal in length to the passengers seats and in no case less than three inches from the top of the partition or three inches from its surface towards the passengers seats.

163. **Width of doors:** (1) Except in the case of a vehicle registered before the first day of April, 1940, every entrance and exit of a public service vehicle other than a motor cab shall be at least twenty-one inches in width and of sufficient height.

(2) The entrance and exit of a motor cab rickshaw shall be so constructed that:-

(i) the height measured from the lowest level of such entrance shall not be less than two feet six inches; and

(ii) the width at any level shall not be less than twelve inches.

164. **Grab-rail:** (1) A grab rail shall be fitted to every entrance or exit, other than emergency exit, of a public service vehicle, other than a motor cab, to assist passengers in boarding or alighting from the vehicle.
(2) This rule shall not apply to a vehicle registered in any district now forming part of Azad Kashmir before the first day of April, 1940.

165. **Steps**:-(1) In every public service vehicle, other than a motor cab, the top of the trend of the lowest step for any entrance or exit other than an emergency exit, shall not be more than seventeen inches or less than twelve inches above the ground when the vehicle is empty. Fixed steps shall not be less than nine inches wide and shall in no case project laterally beyond the body of the vehicle unless they are so protected by the front wings or otherwise that they are not liable to injure pedestrians.

(2) In the case of a double-decked vehicle:-

(a) the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the top landing board;

(b) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;

(c) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase excluding any grab rail which does not project more than three inches from the back of the seat, shall not be less than twenty-six inches.

(d) the outer stringer of an outside staircase shall be so constructed or a band shall be so placed, as to act as a screen to persons ascending or descending, and the height of the outer guard rail shall not be less than three feet three inches above the front of the tread of each step.

(3) (a) In every motor cab rickshaw the top of the tread of any step for entrance or exit, where no step is provided, the lowest level of such entrance or exit, shall not, when the vehicle is empty, be more than eighteen inches or less than twelve inches above the ground.

(b) Where a step is provided it shall not be less than eight inches long and six inches deep and shall in no case project laterally beyond the overall width of the body of the vehicle.
(c) The steps or if no steps are provided, the entrance platform shall be fitted with non-slip treads.

(4) This rule shall not apply to a vehicle registered in any district now forming part of Azad Kashmir before the First day of April, 1940.

166. **Cushions:** Where seats of a public service vehicle are provided with fixed or moveable cushions, the cushions shall be covered with leather cloth of good quality or other material of such a kind that they are capable of being kept in a clean and sanitary condition.

167. **Body dimensions and guard rails:** (1) Every public service vehicle, other than a motor cab, shall be so constructed that:

(a) in the case of a single decked vehicle with an enclosed body:

(i) the height of the body sides from the floor or the height to the sills of the windows, as the case may be, shall not be less than two feet four inches;

(ii) if the height of the side of the body or the sills of the windows as the case may be, above the highest part of any seat is less than eighteen inches, provision is made by means of guard rail or otherwise to prevent the arms of seated passengers being thrust through and being injured by passing vehicles, of the extent to which the side windows or Venetians can be lowered is such that when lowered their top edge is not less than eighteen inches above the highest part of any seat;

(b) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than driver from mounting or alighting from the vehicle on that side;

(c) in the case of a double-decked vehicle with an uncovered top deck, the top deck shall be provided with side and end rails the top of which shall be at least three feet above the deck boards or battens at the sides and eighteen inches above the highest part of any seat, and the top of the front and back rails shall be at least three feet three inches above the deck boards of battens and shall follow the camber of the deck.
(2) For the purposes of this rule the seat back shall not be deemed to be part of the seat.

168. **Protection of passengers from weather:**-

1. Every public service vehicle other than a double-decked vehicle, shall be either constructed with a fixed and watertight roof or equipped with a water-tight hood that may be raised or lowered as required.

2. Save in the case of the uncovered top deck of a double-decked vehicle, every public service vehicle have suitable windows, Venetians or screens capable at all times of protecting the passengers from the weather without preventing adequate ventilation of the vehicle. When the screens are made of fabric, the whole of them shall at all times be fastened securely to the vehicle.

3. Where glass windows or Venetians are used, they must be provided with effective means to prevent their rattling.

4. (a) In the case of a motor cab rickshaw the water-tight roof or hood shall be so constructed as to completely cover, when raised, the area enclosed by the partition, back rests and side guards of the passengers body and shall be extended at the rear to meet the rear body panel.

(b) The water-tight roof or hood shall be provided with a water proof flap-screen of good quality so fixed to the leading edge of the roof or hood as to be capable of being lowered when required and be secured to the partition referred to in rule 162. The length of every flap screen shall in no case be less than the total length of the passenger’s seats.

(c) The internal height of the roof or hood measured from overall seat level to any point vertically above each seat shall not be less than two feet ten inches.

169. **Protection of luggage:**-

The driver of every public service vehicle, other than a double-decker vehicle, shall carry a suitable waterproof tarpauline and during rain, cover or cause to be covered the luggage of passengers carried on the roof of the vehicle with the aforesaid tarpauline.

170. **Prohibition on the fitting of mirrors:**-

No mirror or frame, covered with breakable glass, for displaying advertisements or
other writings shall be fitted inside or outside the body of any public service vehicle:

Provided that nothing herein shall prohibit the fitting of any mirror which may be necessary to enable the driver to obtain a view or the road in the rear of the vehicle or a view of the interior of the vehicle.

171. **Internal Lighting**: Every public service vehicle, other than a motor cab, having a permanent roof, shall be furnished with, one or more electric lights adequate to give reasonable illumination throughout the passengers compartment or compartments but of such power or so screened as not to impair the forward vision of the driver.

172. **Body Construction**: (1) The body of every public service and goods vehicle including trailer shall be so constructed and so fastened to the frame of the vehicle as to comply with such direction as may be issued by the Provincial Transport Authority from time to time.

(2) No body shall be fastened to a public service or goods vehicle which has not been constructed by a person holding a motor vehicle body-builders licence from the Provincial Transport Authority in Form B.B.L.

(3) Applications for a motor vehicle body-builders licence shall be made in Form B.B.L.A. and shall be addressed to the Provincial Transport Authority at its office.

(4) On receipt of an application in Form B.B.L.A. the Provincial Transport Authority may, after such enquiry as it may in any case deem necessary, either reject the application or grant a licence in Form B.B.L. on the conditions specified therein.

(5) A licence granted under the preceding sub-rule may be cancelled by the Provincial Transport Authority at any time for any breach of its conditions.

(6) The Provincial Transport Authority may, by an order in writing (authorize the Chairman of the Provincial Transport Authority or the Chairman of any Regional Transport Authority to grant and renew the body-builders licence under this rule.
173. **Lighting to be by Electricity:** No light other than an electric light shall be fitted to any public service vehicle.

174. **Fuel tanks:** (1) No fuel tanks shall be placed in any public service vehicle under any part of any gangway which is within two feet of any entrance or exit of a single-decked vehicle or the lower deck of a double-decked vehicle.

(2) The fuel tanks of all goods vehicles shall either be mounted on the near side or off side chassis frame side-members or on the frame overhang to the rear of the back axle, and in any case shall be underneath the body of the vehicle.

(3) The fuel tank of every public service vehicle shall be so placed that no over-flow there from shall fall up in any woodwork or accumulate where it can be readily ignited. The filling points of all fuel tanks shall be outside the body of the vehicle, and the filler caps shall be so designed and constructed that they can be securely fixed in position.

(4) Sub-rule (2) shall not apply to any vehicle registered before the first day of April, 1940.

175. **Carburetors:** In every public service vehicle any carburetor and apparatus associated therewith shall be so placed and shielded that no fuel leaking there from shall fall upon any part or fitting that is capable of igniting it or into any receptacle where it might accumulate.

176. **Exhaust pipe:** The exhaust pipe of every public service vehicle shall be so fitted or shielded that no inflammable material can be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle; the outlet thereof shall be placed far enough to the rear to prevent, so far as, practicable, fumes from entering the vehicle and in the case of a vehicle registered after the first day of April, 1940, on the right hand side of vehicle.

177. **Electric wires:** All electric wires or leads shall be adequately insulated.

178. **Fire Extinguishers:** Subject to any directions that may be issued by the Provincial Transport Authority, a Regional Transport Authority may as a condition of the grant of a permit, require any public service vehicle to be equipped with a fire
extinguisher of a type specified by the said authority and may require that such fire extinguishers shall be inspected at such periods and by such persons as the authority may specify.

179. **Lacking of nuts:** All moving parts of every public service vehicle and all parts subject to severe vibration connected by bolts or studs and nuts shall be fastened by locknuts or by nuts with efficient spring or locknut washers or by castellated nuts and split pins or by some other efficient device so as to prevent them working loose.

180. **Floor Boards:** (1) The floor boards of every public service vehicle shall be strong and so closely fitted or so covered with a suitable material as to exclude as far as possible draughts and dust.

(2) The floor boards may be pierced for the purpose of drainage but for no other purpose.

181. **Spare wheel and tools:** (1) Save as otherwise specified by the Regional Transport Authority in respect of municipal or cantonment areas, every public vehicle shall at all times be equipped with not less than spare wheel or rim fitted with a pneumatic tyre in good and sound condition ready inflated, and mounted in such a way that it can be readily dismounted and fitted to the vehicle in the place of any of the road wheels.

(2) Sub-rule (1) shall not apply to a public service vehicle during the completion of any journey during which it has been necessary to bring the spare wheel or rim and tyre into use.

(3) Every public service vehicle shall at all times be furnished with an efficient jack and other tools necessary to change a wheel or rim and tyre and with the equipment necessary to pair a puncture, including the following:

- Spanners to fit every nut on the vehicle.
- One screwdriver.
- One pair of pliers.
- One hammer.
- Two tyre levers.
Tyre pump.

Wheel jack.

One spare headlight bulb.

One spare rear-lamp bulb.

A supply of fuses.

(4) Every transport vehicle, other than a motor cab, authorised to operate regularly on any road included in the First Schedule to these rules shall be furnished with a suitably fashioned block, attached by chain to the vehicle, to be used as a chock when the vehicle is halted on slope.

182. Advertisement and other markings on public service vehicles:- (1) No advertising device, figure or writing shall be exhibited on any public service vehicle or a goods vehicle covered by a public carrier, permit save as may be permitted by the Provincial Transport Authority by general or specific order.

(2) A public service vehicle when regularly used for carrying Government mail by or under a contract with the Posts and Telegraphs Department may exhibit in conspicuous place upon plate or a plane surface of the motor vehicle the words “AZAD KASHMIR STATE MAIL” in red on a white ground, each letter being not less than six inches in height and of a uniform thickness of three quarters of an inch.

(3) Save as aforesaid, no motor vehicle shall display any sign or inscription which includes the word “MAIL”.

183. Route Board:- No public service vehicle other than a contract carriage, shall be applied for hire unless it clearly exhibits route boards in the form and manner illustrated below:-

MUZAFFARABAD MIRPUR
VIA RAWALPINDI

The route board shall be fitted in a box to be constructed as an extension of the front part of the roof of the vehicle and shall be of such a material as to make the letters and figures written on it clearly visible in day light and at night when the board is either lit from behind or the front. In case the said board is lit from the
front, two lamps shall be mounted in such a manner that their lights is shaded so as not to be visible from outside but is dispersed on the entire surface of the board.

(2) The letters and figures shall be white on black background.

(3) The place of destination only shall be displayed in English and in Urdu on the board. The letters in English shall be written above the letters in Urdu and shall be 3½ inches in height and 7 inch in thickness. The letters in Urdu shall be 4 inches in height and not more than ½ inch in thickness. The letters shall be arranged and painted neatly so as to give balanced appearance to the board.

(4) On the right hand top corner from the front of the board as shown in the above diagram a route number to be allocated by the Provincial Transport Authority, shall be displayed in a straight line inside a circle with a maximum diameter of 6½ inches, the line of the circle being ¼ inch in thickness. The figures within the circle shall be 3-inches in height and 3/8 inches in thickness.

(5) Ordinarily it will not be necessary to indicate the names of prominent places lying on the route, on the board, but where the Provincial Transport Authority so directs, the names of these places shall be displayed underneath the name of the destination place, in letters measuring 2 inches in height and ¼ inch in thickness. The names of such places shall be given both in English and Urdu and they shall be preceded by the word “via” and “barasta” respectively as indicated in the above diagram.

SPECIAL RULES APPLICABLE TO GOODS VEHICLES

184. **Protection of goods against weather**: Every vehicle in respect of which a public carrier permit is held shall be equipped at all time with a suitable tarpauline for the protection of the goods carried on the vehicle against weather.

185. **Exhibition of the word “Private”**: A Provincial Transport Authority may impose condition on private carriers to exhibit the word “Private” in front of the vehicle at the top in red letters measuring 3 inches in height on a white background.

186. **Driver’s seat**: (1) Rule 161 shall apply to every goods vehicle other than a delivery van.
(2) Government may, by order in writing, exempt any goods vehicle from the operation of the preceding sub-rule.

(3) Where a registering authority registers a goods vehicle in respect of which, or belonging to a class in respect of which, an order under sub-rule (2) has been made, he shall note in the certificate of registration the fact that nothing in rule 186 in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle.

SPECIAL RULES APPLICABLE TO TRAILERS

187. Overall Length:- (1) The overall length of a trailer excluding any draw-bar, shall not exceed twenty-two feet.

(2) This rule shall not apply to:-

(a) a trailer constructed and normally used for the conveyance of indivisible loads of abnormal length;

(b) any agricultural or road-making implement;

(c) the trailing part of any articulated vehicle;

(d) to any incompletely assembled or otherwise disabled motor vehicle which is being drawn by a motor vehicle in consequence of the disablement.

188. Brakes:- Save as provided in sub-rule (2), every trailer exceeding 1,100 pound in weight laden shall have an efficient braking system, the brakes of which are capable of being applied when it is being drawn-

(a) in the case of a trailer having not more than two axles, to at least all the wheels of one axle; or

(b) in the case of a trailer having more than two axles, to all wheels of the two axles:

Provided always that in the case of a trailer registered in any district now forming part of Azad Kashmir after the 1st day of April, 1940, the brakes as aforesaid shall be capable of being applied to not than half the wheels of the trailer; and so constructed that:-
(i) the brakes can be applied either by the driver of the
drawing vehicle or by some other person on such vehicle
or the trailer:

Provided that this clause shall not apply in the case
of a trailer not exceeding 2,240 pounds in weight
unladen or in the case of a trailer not constructed or
adapted to carry any load other than a plant or other
special appliance or apparatus which is a permanent or
essentially permanent fixture case and not exceeding
4,480 pounds in total weight, if in either case the brakes
of the trailer automatically come into operation on the
overrun of the trailer; and

(ii) the brakes are capable of being set so as effectively to
prevent two at least of the wheels from revolving when
the trailer, whether it is attached to the drawing vehicle
or not, is not being drawn.

(2) Sub rule (1) shall not apply to:

(a) any land implement drawn by a motor vehicle;

(b) any trailer designed for use and used by a local authority for
street cleaning:

Provided that the trailer does not carry any load other
than its necessary gear and equipment; or

(c) any disabled vehicle which is being drawn by a motor
vehicle in consequence of the disablement.

(3) In the case of trailers registered in any district now farming
part of Azad Kashmir the braking system shall be so constructed
that it is not dependent upon rotation of the engine of the
drawing vehicle.

189. Exemption of military vehicles:- The provisions of the rules
specified in the first column of the table below shall not, to the
extent specified in the corresponding entries in the second
column thereof, apply to any military motor vehicle registered
under section 40:-

743
Rule | Extent not applicable
--- | ---
126  | (a) Clause (i) of sub-rule (1) and sub-rule (5) and (7).
     | (b) The Superintendent of Police may by order in writing and subject to any conditions authorise the driving at night without lights of motor vehicles, registered under section 40 during the hours and on the route or routes or in the area, within his jurisdiction specified in the order.
129  | Sub-rule (4).
139  | The whole, in its application to vehicles registered before the first day of April, 1940.
140  | The whole.
144  | The whole.
147  | The whole.
187  | The whole.
188  | The whole.

190. **Exemption of road plant:** Nothing contained in rules 126, 129, 130, 131, 132, 133, 140, 142, 143, 145, 146, 148, and 188, shall apply to road rollers and other machines specially constructed or adopted for the construction or maintenance of roads which are the property of the Azad Kashmir Government or of any local authority.

**CHAPTER VI**

**CONTROL OF TRAFFIC**

191. **Limitation on the use of heavy transport vehicles:** (1) No transport vehicle shall be driven within the State in such a state that the total weight of the vehicle and its load, including the weight of any trailer drawn by the vehicles and the load carried thereon, exceeds ten tons, or in such a state that the weight carried on any one axle of the vehicle or trailer exceeds six tons.

(2) For the purpose of the preceding sub-rule all persons carried on the vehicle shall be included in the load.

(3) Government may, by order in writing, exempt any motor vehicle or class of motor vehicles from the operation of sub-rule (1).
192. **Signaling devices:** (1) Subject to the succeeding sub-rules, the signaling device required by section 80 shall be a direction indicator as prescribed in rule 147 and shall be fitted to both sides of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1), a motor vehicle, other than a transport vehicle, obtained through the Disposals Organization of the Government equipped with electric lighting, may be fitted with a mechanical direction indicator complying with the requirements of rule 147 on the right hand side of the vehicle only.

(3) The Provincial Transport Authority may, by order in writing, direct that the provisions of sub-rule (2) shall apply to any transport vehicle or class of transport vehicles equipped with electric lighting specified in the order.

(4) Where a registering authority registers a transport vehicle in respect of which, or belonging to a class in respect of which an order under sub-rule (3) has been made, he shall note in the certificate of registration the fact that the vehicle may be fitted with a mechanical direction indicator on the right hand side only.

193. **Vehicle abandoned on the road:** (1) If any motor vehicle is allowed to stand in any place other than a duly appointed parking place in such a way as to cause obstruction to traffic or danger to any person, any police officer may:

(a) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle will not cause undue obstruction or danger;

(b) unless it is moved to a position where it will not cause obstruction or danger take all reasonable precautions to indicate the presence of the vehicle; and

(c) if the vehicle has been stationary in one place for a continuous period of twenty-four hours and adequate steps have not been taken for its repair or removal by the owner or his representative, remove the vehicle and its contents to the nearest place of safe custody.

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by competent authority in respect of the said place, or if no such period has
been specified, for a period exceeding six hours, any police officer may remove the vehicle to the nearest place of safe custody.

(3) Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of section 82, or of any regulation made by a competent authority in relation to the use of duly appointed parking places, the owner of the motor vehicle or his heirs or assigns shall be liable to make good any expense incurred by any police officer in connection with the moving, lighting, watching, or removal of a vehicle or its contents in accordance with sub-rules (1) and (2), and any police officer, or any person into whose custody the vehicle has been entrusted by any police officer, shall be entitled to detain the vehicle until he has received payment accordingly and shall upon receiving such payment, give a receipt to the person making the payment.

194, (a) **Use of weighing devices:**-(1) A weighing device for the purpose of section 74, may be a weigh-bridge installed and maintained at any place by or under the orders of Government or a local authority;

(b) a weigh bridge installed and maintained by any person and certified by the registering authority to be a weighing device for the purpose of the Ordinance and these rules; or

(c) a portable wheel-weigher of any kind approved by Government.

(2) The driver of any goods vehicle shall upon demand by a competent authority so drive and manipulate the vehicle as to place it or any wheel thereof, as the case may be, upon any weigh-bridge or wheel weigher in such a manner that the weight of the vehicle or the weight transmitted by any wheel or wheels may be exhibited by the weigh-bridge or wheel-weigher.

(3) If the driver of a motor vehicle fails within a reasonable time to comply with a requisition under sub-rule (2), a person authorised under section 74, may cause any person, being the holder of a licence authorising him to drive the vehicle, so to drive and manipulate the vehicle.

(4) When the weight or axle weight of a motor vehicle is determined by separate and independent determination of the
weight transmitted by any wheel or wheels of the vehicle, the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weight transmitted by the wheels or any axle or by all the wheels of the vehicle, as the case may be.

(5) Upon the weighment of a vehicle in accordance with section 74 and this rule, the person who has required the weighment or the person in charge of the weighing device, shall deliver to the driver or other person in charge of the vehicle a statement in writing of the weight of the vehicle and of any axle, the weight of which is separately determined.

(6) The driver or other person in charge of, or the owner of a vehicle which has been so weighed, may challenge the accuracy of the weighing device, by a statement in writing accompanied by a deposit of rupees ten delivered:

(a) within one hour of the receipt of the statement referred to in sub-rule (5), to the person by whom the statement was delivered to him; or

(b) within fourteen days of service on him of notice of proceedings against him under section 74 of the Ordinance, to the Court issuing such notice.

(7) Upon receipt of a statement challenging the accuracy of a weighing device under sub-rule (6), the person or the Court by whom the statement is received shall apply to the registering authority for the weighing device to be tested by such person as the registering authority may appoint and the certificate of such person as may be so appointed regarding the accuracy of the weighing device shall be final.

(8) If upon the testing of a weighing device under rule (7), the weighing device is certified to be accurate or to be inaccurate to an extent less than any weight by which the laden weight or unladen weight or any axle weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the registered laden weight or the registered unladen weight or the registered axle weight, as the case may be, a contravention of sub-section (3) of section 73 shall be deemed to have been proved.

(9) If upon the testing of a weighing device as aforesaid, the weighing device is certified to be inaccurate to an extent greater than weight by which the laden weight or unladen weight or any
axle weight of the vehicle is shown in the statement referred of in sub-rule (5) to have exceeded the registered axle weight as the case may be, no further proceedings shall be taken in respect of any such laden weight or unladen weight or axle weight and if the device is certified to be inaccurate to the said extent in respect of every such laden weight, unladen weight or axle weight actually weighed, the deposit prescribed in sub-rule (6) shall be refunded.

(10) No person shall, by reason or having challenged the accuracy of any weighing device under sub-rule (6) be entitled to refuse to comply with any order in writing under section 74.

195. **Restriction on driving with gear disengaged:** Within the limits specified in the First Schedule to these rules and elsewhere on any hill marked by traffic sign No. 10 in Part B of the Ninth Schedule to the Ordinance, no person shall drive a transport vehicle with the clutch pedal depressed or with any free wheel or other device in operation which frees the engine from driving wheels and prevents the engine from acting as a brake when the vehicle is travelling down an incline.

196. **Prohibition on mounting or taking hold of vehicle in motion:**

(1) No person shall mount or attempt to mount on, or dismount from, any motor vehicle, when the motor vehicle is in motion.

(2) No person shall take hold of, and no driver of a motor vehicle shall cause or allow any person to take hold of, any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

197. **Towing:**

(1) No vehicle, other than a mechanically disabled or incompletely assembled motor vehicle or a registered trailer, shall be drawn or towed by any motor vehicle.

(2) No motor vehicle, other than a registered trailer, shall be drawn or towed by any other motor vehicle unless there is in the driver’s seat of the motor vehicle being drawn or towed a person holding a licence authorising him to drive the vehicle or unless the steering wheels of the motor vehicle being towed are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle, the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed fifteen feet. Steps shall be taken to render the tow rope or
chain easily distinguishable by other users of the road, and there shall be clearly displayed on the rear of the vehicle being towed in black letters not less than three inches high and on a white ground the words “ON TOW”:

Provided that no person shall be liable to be convicted for the contravention of this sub-rule for failure to display the words “ON TOW” if the motor vehicle which is towing the other is not a motor vehicle adapted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the break down and the nearest place on the route at which the necessary materials can be obtained.

(4) No motor vehicle when towing another vehicle other than a trailer or side car shall be driven at speed exceeding fifteen miles per hour.

198. Traffic segregation:— Where any road or street is provided with foot-paths, or tracks reserved for cycles or specified classes of other traffic, no person shall, save with the sanction of a police officer in uniform, drive any motor vehicle or cause or allow any motor vehicle to be driven on any such foot-path or track.

199. Projection of loads:— (1) Nothing shall be placed or carried upon the outside of the roof of a double decked public service vehicle.

(2) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or anything extends:

(a) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body;

(b) to the front beyond the foremost part of the vehicle;

(c) to the rear to a distance exceeding four feet beyond the near most part of the vehicle excluding any luggage carrier; and

(d) in height by a distance which exceeds eleven feet from the surface upon which the motor vehicle rests.

(3) Clause (c) of sub-rule (2) shall not apply to a goods motor vehicle when loaded with any pole or other projecting thing so long as:—
(a) the projecting load falls within the limits of the body of a trailer being drawn by the goods vehicle; or

(b) the distance by which the pole or other thing projects beyond the rearmost point of the motor vehicle does not exceed six feet; and

(c) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than fifteen inches in diameter, and at night, a lamp in addition to the prescribed lamps on the vehicle, so arranged as show a red light to the rear,

(4) A Provincial Transport Authority or any of its officers if so authorised by it, may by order in writing, in emergent cases, exempt any motor vehicle for such period and subject to such conditions as may be specified from any or all of the provisions of this rule.

200. **Carriage of dangerous substances:** (1) Except for the fuel and lubricants necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance, shall be carried on any public service vehicle unless it is so packed that even in the case of an accident to the vehicle, it is unlikely to cause damage or injury to the vehicle or persons carried thereon.

(2) If, in the opinion of a police officer not below the rank of sub-Inspector any public service vehicle is at any time loaded in contravention of this rule he may order the driver or other person in charge of the motor vehicle to remove or repack the inflammable or dangerous substance.

201. **Sound Signals:** (1) No driver of a motor vehicle shall sound the horn or other device for giving audible warning with which the other vehicle is equipped, or shall cause or allow any person to do so continuously or to an extent beyond what is necessary to ensure safety.

(2) The District Magistrate may by notification in the official Gazette, or in one or more newspapers circulating in the said district, and by the erection in suitable places of traffic sign No. 7 as set forth in Part A of the Ninth schedule to the Ordinance, prohibit the use by drivers of motor vehicles of any horn, gong or other device for giving audible warning in any area within the
Provided that when the District Magistrate prohibits the use of any horn, gong or other device for giving audible warning during certain specified hours, he shall cause a suitable notice, in Urdu English and in the script of the district, to be affixed below the traffic sign setting forth the hours within which such use is prohibited.

202. **Cut-outs:** No driver of a motor vehicle shall in any public place make use of any cut-out or other device by means of which the exhaust gases of the engine are released save through the silencer.

203. **Restrictions on travelling backwards:** No driver of a motor vehicle shall cause the vehicle to travel backward without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person, or in any circumstances, save in the case of a road roller for any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.

204. **Use of lamps when a vehicle is at rest:**

1. If, within the limits of any municipality or cantonment, a motor vehicle is at rest within the hours during which lights are required at the left hand side of any road or street or elsewhere in any duly appointed parking place, it shall not be necessary for the motor vehicle to exhibit any light save as may be required generally or specifically by the District Magistrate.

2. Outside the limits of a municipality or cantonment, if a motor vehicle is at rest within the hours during which lights are required in such a position as not to cause danger or undue inconvenience to other users of the road, it shall not be necessary for the motor vehicle to display any lights.

205. **Dazzling lights:**

1. The driver of a motor vehicle shall at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any person by dazzle.

2. The District Magistrate may, by notification in the official Gazette, and by the erection of suitable notices in Urdu English and in the local script prohibit the use, within such areas or in
such places as may be specified in the notification, of lamps giving a powerful or intense light,

206. **Visibility of lamp and registration marks:**- (1) No load or other thing shall be placed, on any motor vehicle so as at any time to mask or otherwise interrupt vision of any lamp, registration mark required to be carried by or exhibited on any motor vehicle by or under the provisions of the ordinance unless a duplicate of the lamp so masked or otherwise obscured is exhibited in the manner required by or under the Ordinance for the exhibition of the masked or obscured lamp or mark.

(2) All registration and other mark required to be exhibited on a motor vehicle by or under the provisions of the Ordinance shall at all times be maintained as far as may be reasonably possible in a clear and legible condition.

207. **Stop sign on road surface:**- (1) When any line is painted on or inlaid into the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a police officer or by means of traffic control lights or by the temporary display of sign No. 3 A in Part A of the Ninth Schedule to the Ordinance.

(2) A line for the purposes of this rule shall be not less than two inches in width at any part and shall be either in white, black or yellow.

208. **Special rules on hill roads:**- On the roads enumerated in the First Schedule to these rules all drivers shall observe the following special rules:-

(a) No motor vehicle shall overtake another, except at a place where the whole road is clearly visible for at least two hundred yards ahead.

(b) when two motor vehicles approach each other in opposite directions at a point where they cannot meet without danger of collision, the vehicle proceeding down-hill shall give way to the vehicle proceeding up-hill. When such meeting takes place in a dip or on a level stretch of road, the vehicle on the inside of the road, that is, the side from which the hill side slopes upwards, shall give way.
(c) When the driver of any vehicle requires to pass any animals or vehicles drawn by animals, he shall pass them on the outside of the road in whichever direction such animals may be proceeding.

209. **Traffic sign to be observed:** Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which is permitted under subsection (1) of section 79.

**SPECIAL RULES APPLICABLE TO TRAILERS**

210. **Trailers prohibited with motor cycles:** (1) A motor cycle with not more than two wheels with or without a side-car shall not draw a trailer.

(2) No invalid carriage shall draw a trailer.

211. **Prohibition of attachment of trailer to certain vehicles:** No motor vehicle which exceeds twenty-six feet in length shall draw a trailer:

Provided that this rule shall not apply to any motor vehicle being towed in consequence of disablement.

212. **Attendants on trailers:** (1) When a trailer is or trailers are being drawn by a motor vehicle there shall be carried in the trailer or trailers or on the drawing motor vehicle, as the case may be, the following persons, not being less than twenty years of age and competent to discharge their duties, that is to say:

(a) if the brakes of the trailer or trailers cannot be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle:

(i) one person on every trailer competent to apply the brakes; and

(ii) one person placed at or near the rear of the last trailer in train in such a position as to be able to have a clear view of the road in rear of the trailer, to signal to the drivers for overtaking vehicles and to communicate with the driver of the drawing motor vehicle;
(b) if the brakes of the trailer can be operated by the driver of
the drawing motor vehicle or by some other person carried
on that vehicle, such other person in addition to the driver
shall be carried on that vehicle and one person on the last
trailer in train in accordance with the provisions of sub-
clause (ii) of clause (a);

(c) if the trailer is or trailers are being drawn by a locomotive,
notwithstanding that the brakes of the trailer or trailers can
be operated by the driver or some other person on each
trailer and not less than two persons on the last trailer in
train, one of whom shall be the person required by the
provision of sub-clause (ii) of clause (a).

(2) This rule shall not apply:-

(a) to any trailer having not more than two wheels and not
exceeding 1,700 pounds in weight laden when used singly
and not in a train with other trailers;

(b) to the trailing half of an articulated vehicle;

(c) to any trailer used solely for carrying water for the purposes
of the drawing vehicle when used singly and not in a train
with other trailers;

(d) to any agricultural or road-making or road repairing or road-
cleaning implement drawn by a motor vehicle;

(e) to any trailer specially constructed or adapted for any
purpose, upon which an attendant cannot safely be carried;
or

(f) to any closed trailer specially constructed for any purpose
and specifically exempted from any or all of the provisions
of this rule by an order, in writing made by the registering
authority to the extent so exempted.

213. **Distinguishing mark for trailers:**—(1) No person shall drive or
suffer or cause to be driven in any public place any motor
vehicle to which a trailer is or trailers are attached unless there is
exhibited on the back of the trailer or of the, last trailer in train,
as the case may be, a distinguishing mark in the form set out in
the diagram contained in the Fourth Schedule to these rules in
white on a black ground.
(2) The mark shall be kept clean and unobscured and shall be so fixed to the trailer that-

(a) the letter on the mark is vertical and easily distinguishable from the rear of the trailer;

(b) the mark is either in the centre or to the right hand side of the back of the trailer; and

(c) no part thereof is at a height exceeding four feet from the ground.

(3) This rule shall not apply to the cases referred to in clauses (a), (b), (c), (d) and (e), of sub rule (2) of rule 212.

SPECIAL RULES FOR LOCOMOTIVES

214. Attendant:- Every locomotive shall carry not less than one attendant, being a competent person of over twenty years of age, in addition to the driver, to assist the driver in the management of the locomotive.

CHAPTER VII

HALTING OF MOTOR VEHICLES IN PUBLIC PLACES

CONTROL OF STANDS

215. Halting of stage carriages:- No stage carriage shall be halted in an urban area for more than five minutes consecutive for the taking up or setting down of passengers or at any time during the course of a run except at stand.

216. Bus Stops:- (1) The district Magistrate may direct that in any street or any road in an urban area notified by him in this behalf the notification being made by public proclamation or in such other manner as the District Magistrate may deem fit, no stage carriage shall take up or set down passengers except at a place appointed by him as a bus stop or at a place appointed by the Provincial Transport Authority, as a stand.

(2) No stage carriage shall be halted at a bus stop for longer than is necessary to take up such passengers as are waiting when the vehicle arrives and to set down such passengers as wish to alight.
217. **Every stage carriage trip to be begun and ended at a stand:**

(1) If the run of any stage carriage starts or finishes in an urban area it shall, unless the District Magistrate specially exempts the vehicle from the provisions of this rule, be begun from or be ended at a stand.

(2) Where a stage carriage is exempted from the provisions of the preceding sub-rule, it shall be a condition of the exemption that no passengers shall be taken up or set down, as the case may be, at any point within a distance of two hundred yards or such other distance as may be named in the order of exemption from the place where the stage carriage is garaged or parked at the start or finish of the run.

(3) In exempting a stage carriage from the provisions of sub-rule (1), the District magistrate may make it a condition that the first passengers sail be taken up, or the last passengers be set down, at a particular bus stop fixed for the purpose in the order of exemption.

(4) An order of exemption made under sub-rule (1), shall remain in force for one year or such lesser period as the District Magistrate may direct, and may be cancelled or modified by him at his discretion at any time:

Provided that the Provincial Transport Authority shall be informed of any such order or any cancellation or modification thereof.

218. **Stage carriages to be properly parked when not in use:**

A Provincial Transport Authority may attach to a stage carriage permit a condition that when the vehicle is not in use it shall not be halted in any public place except at a stand or at a parking place appointed by a competent authority under section 77.

219. **Affiliation of public carriers with Forwarding Agents:**

(1) A Provincial Transport Authority may attach to a public carrier permit a condition that the vehicle shall not be operated except under the control of a Forwarding Agent and shall not be halted in any public place except under the authority in writing from the Forwarding Agent or at a place specially permitted for the purpose under rule 229.

(2) An applicant for a public carriage permit shall declare in writing the name of the Forwarding Agent under whose control
the vehicle covered by the permit applied for shall be operated and in case the permit is granted the Provincial Transport Authority shall make an endorsement to that effect on the permit:

Provided that during the term of the permit, the permit holder may apply to the Provincial Transport Authority for the transfer of the vehicle to the control of another Forwarding Agent. On receipt of such an application the said Authority may allow the transfer, after giving the Forwarding Agents concerned an opportunity of being heard:

Provided further that two or more Forwarding Agents may, with the permission of their respective Provincial Transport Authority, enter into a reciprocal agreement to carry on business jointly and in that case any vehicle under the control of any one of them shall be deemed to be under the control of the other or others as well.

220. **Preceding rules not applicable to contract carriages:** Nothing in rule 215 or 217 or any direction made under rule 216 shall apply to a stage carriage when it is being used under due authority as a contract carriage or as a vehicle for the carriage of goods without passengers: provided that a board has been affixed to the vehicle bearing the inscription “ON CONTRACT” or “CARRYING GOODS ONLY”, as the case may be, and provided particulars of the hiring have been entered in the log-book of the vehicle.

221. **Halting of contract carriages:** Provincial Transport Authority may impose on the use of any contract carriage, or any stage carriage when the same is being used as a contract carriage, a condition that the vehicle shall not be halted for more than ten consecutive minutes in any public place, in an urban area save at a parking place, or in the case of a motor cab, a cab-rank, duly appointed under section 77 or at a stand.

222. **Halting of public carrier for loading and unloading in an urban area:** (1) No more vehicle used for the carriage of goods for hire or rewards shall be halted for loading and unloading in an urban area without an authority in writing in the prescribed Form F.A.P. and form F.A.P.U. from a Forwarding Agent functioning in that area, except at a place specially permitted for the purpose under rule 229.
(2) A provincial Transport Authority may exempt any public carrier from the applicability of sub-rule (1), Before granting this exemption, the Provincial Transport Authority shall give an opportunity to the Forwarding Agents concerned of being heard.

223. **Parking Places:** All District Magistrates are authorised after consultation with the Superintendent of Police and the local authority having jurisdiction in the area concerned, to make orders determining parking places for motor vehicle under section 77.

224. **Cab-ranks:** (1) All cab-ranks determined under section 77.-

   (a) the drivers shall station their motor cabs in the rank in the order in which they arrive, the motor cab which has been waiting longest being stationed in the front position, and the motor cabs being moved up as vacancies occur;

   (b) the drivers of the first two motor cabs shall stay by their vehicles ready to be hired by any person;

   (c) no motor cab engaged for some future time shall be kept in the rank unless the driver is willing to accept any intermediate hiring that may be offered; and

   (d) no disabled motor cab shall be kept in the rank unless the disablement can be and is intended to be remedied forthwith.

(2) The Provincial Transport Authority may in the case of any cab-rank relax any or all of the directions in the preceding sub-rule.

(3) Nothing in sub-rule (1) shall render it obligatory on a person wishing to hire a motor cab from a cab-rank to take the first cab or restrict freedom to choose which ever vehicle he prefers.

225. **Responsibility of driver, conductor and permit holder for securing compliance with these rules:** In so far as any rule in this Chapter for any order issued in conformity therewith, directs that a transport vehicle shall or shall not be halted in a certain place or in a certain manner, the rule shall be read as if it included provisions enjoying the driver, and in the case of stage carriage, the conductor to ensure that it is so halted or not halted,
and requiring the holder of any permit issued in respect of the
vehicle to take all measures open to him to secure compliance
with the direction.

226. Involuntary halts:- No person shall be liable to be punished for
halting a vehicle in contravention of any of these rules if the
stopping of the vehicle was occasioned by a mechanical defect or
by any cause beyond the control of the driver or person in charge:
Provided that the driver or other person in charge shall continue
to be liable for contravening section 85, unless all practicable
steps have been taken to dispose of the vehicle in such a way that
it shall not cause danger, obstruction or inconvenience to other
users of the road.

227. Prohibition on the use of horns:- Except to avoid an imminent
accident no person shall sound the horn or other audible warning
device of any motor vehicle within the limits of a stand, parking
place of cab rank.

228. Notification of stands:- (1) Stands shall be classed as follows:-

(a) stands, being General Stands administered by officials of the
Government.

(b) Stands, being General Stands entrusted for management,
under arrangements made by Provincial Transport Authority,
to a private person or Company.

(c) Stands, being General Stands administered by a municipal
Committee or other local authority either directly or through
the agency of a contractor.

(d) Stands, or Company Stands.

(2) The Provincial Transport Authority may, in consultation
with the local authority having jurisdiction in the area concerned,
make an order in the prescribed form (Form Stand A, Form
Stand B, Form Stand C, Form Stand D) permitting any place to
be used as a stand and without such an order no place shall be so
used:

Provided always that no place which is privately owned shall
be notified as a stand save on application by or with the written
consent of the owner.
(3) Every order made by a Provincial Transport Authority under the preceding sub-rule, shall show clearly the class of stand which is allowed to be established, and shall be notified by publication in one or more newspapers circulating in the district or by such other means as the provincial Transport Authority may consider appropriate.

(4) No place where:-

(a) arrangements are made for the issue of tickets to passengers; or

(b) covered accommodation is provided for waiting passengers; or

(c) agents are stationed to marshal waiting passengers; shall be used for the taking up or setting down of passengers unless it has been duly notified as stand under this rule.

(5) The Provincial Transport Authority shall, from time to time, fix the fees or the maximum fees payable at every stand of Class A, B, C.

229. **Place to be used for loading, un-loading or halting of public carriers:**

(1) The Provincial Transport Authority may, in consolation with the District Magistrate having jurisdiction in the area concerned make an order in the prescribed form (Form F.A.L.) permitting any place to be used for loading un-loading or halting of motor vehicle used for the carriage of goods for hire or reward:

Provided always that no place shall be notified as such save on application by or with the written consent of its owner.

(2) Every order made by the Provincial Transport Authority under the preceding sub-rule, shall clearly prescribe conditions not inconsistent with these rules under which the place is to be used for the loading, un-loading and halting of goods vehicles and shall also mention the maximum fees as prescribed by the Provincial Transport Authority payable for the purpose.

(3) The Provincial Transport Authority shall not permit a Forwarding Agent to use a place for the loading, or halting of goods vehicles unless the latter satisfies the authority that:—
(a) he has under his control not less than 30 public carrier’s permits, out of which at least five permits are held by him in his own name;

(b) he shall, at the discretion of the consignor, insure goods and indemnify the consignor for any loss or damage to goods while in his possession; and

(c) he shall maintain all records prescribed by the Provincial Transport Authority in Form F.A.R.E., Form F.A.R.I., Form F.A.R.A., and Form F.A.R.D., and Form F.A.R.V. These records shall be open to inspection by or on behalf of the said authority.

(4) The Provincial Transport Authority may at any time revoke any order made by it under sub-rule (1), if in its opinion any of the conditions under which a place is to be used for the loading, un-loading or halting of goods vehicles has been contravened or if the continuance of the said order is no longer in the public interest:

Provided that before revoking the order, the Provincial Transport authority shall give the forwarding agent concerned an opportunity of being heard and shall record its reasons in writing.

(5) Any order permitting any place to be used for the loading, un-loading or halting of motor vehicles used for the carriage of goods for hire or reward shall remain in force for three years or such less period as may be mentioned in the order, and may be renewed from time to time by the Provincial Transport Authority for a further period of not less than three years.

(6) The commission fee and other fees in respect of goods vehicles stands shall be fixed by the Provincial Transport Authority from time to time which shall be notified in the Official Gazette.

230. **Considerations governing the location of stands:** (1) In deciding whether to grant permission for the use of any place as a stand or as a place for the loading, un-loading and halting of goods vehicles, the Provincial Transport Authority shall have regard to the following matters:-
(a) the interest of the public generally and the efficient organization of motor transport;

(b) the suitability of the site from the point of view of traffic control;

(c) the avoidance of annoyance to persons living or having property in the locality;

(d) the suitability of the site in relation to other stands in the same town; and

(e) any other considerations that may appear to be relevant.

(2) In selecting a site for stand, the Provincial Transport Authority shall be guided by any opinion given by the District magistrate and the Superintendent of Police concerned.

231. **Conditions applicable to all stands:** (1) Every order permitting a place to be used as a stand of Class B, C or D shall be subject to the following conditions namely:

(a) that the land and buildings of the stand shall at all times be kept clean and in a good state of repair;

(b) that the stand shall be administered in a seemly and orderly manner;

(c) that the person, company or authority permitted by the provincial Transport Authority to use the place as a stand shall take all possible precautions to ensure that no breach of the Ordinance or of these rules is committed in respect of any vehicle entering or leaving or halting at the stand and that any such breach is reported to the nearest officer of police;

(d) that a board shall be set up in a conspicuous position at the stand showing the fees payable (if an order has been made fixing the fees) and that the full amount of fees due from the owners and drivers of vehicles shall be charged neither more nor less.

(2) In making an order permitting a place to be used as a stand, the Provincial Transport Authority may further attach to it any one or more of the following conditions, namely, that the local authority or person authorised to administer the stand shall:
(a) maintain such records as the Provincial Transport Authority may from time to time direct;

(b) employ such staff at the stand as may be specified in the order;

(c) provide waiting rooms for the largest number of passengers that may reasonably be expected to use the stand at any one time, including separate accommodation for women;

(d) provide a suitable lavatories for both sexes;

(e) Provide rests rooms for driver and conductor of the vehicles regularly kept at the stand.

(f) provide an adequate supply of drinking water for passengers, drivers and all persons likely to be employed at the stand;

(g) provide covered accommodation or other form of shelter for all the vehicles regularly kept at the stand or for such percentage of those vehicles as the provincial Transport Authority may specify;

(h) provide for the illumination of the stand at night;

(i) provide, in a separate portion of the stand, facilities for washing and cleaning vehicles and for executing ordinary repairs.

(3) With the approval of the Provincial Transport Authority, the District Magistrate may attach to the order any other condition that may seem to him to be necessary to secure the efficient administration of the stand or otherwise to be in the public interest.

232. **Conditions governing the location of stands for goods vehicles:** Every order permitting a place to be used for loading, un-loading and halting of goods vehicles shall be subject to the following conditions, namely:-

(a) that the land and buildings included in the place shall at all times be kept clean and in good state of repair;

(b) that the place shall be administered in a seemly and orderly manner;
(c) that the Forwarding Agent permitted to use the place shall take all possible precautions to ensure that no breach of the Ordinance or of these rules is committed in respect of any vehicle entering or leaving or halting and that any such breach is reported to the nearest officer of police;

(d) that a board shall be set up in a conspicuous position at the place showing the fees payable and that the exact amount of fees due from the owners and drivers of the vehicles shall be charged;

(e) that the Forwarding Agent shall provide to the satisfaction of the Provincial Transport Authority sufficient space for halting the vehicle in an orderly manner and suitable godowns and store houses for the safety of the goods consigned to his care;

(f) that the Forwarding Agent shall not allow any vehicle under his control to load, un-load or halt at any other place, within the urban area concerned, without his permission in writing.

233. **Stand of Class B:**

(1) When an order has been made permitting a place to be used for the establishment of a stand of Class B, the Provincial Transport Authority may enter into an agreement with any person, firm or company (hereinafter referred to as the “manager”) to undertake the maintenance and management of the stand and to be responsible for the fulfillment of the conditions attached to the order of sanction and of all the provisions of the Ordinance and these rules which may be applicable.

(2) It shall be a condition of every agreement made under the preceding sub-rule that the manager shall maintain accounts in English Urdu containing such particulars as the Provincial Transport Authority may require; and such accounts shall be open at all reasonable times for inspection by the Provincial Transport Authority or any official or auditor appointed by him.

(3) Every such agreement shall further state whether the manager shall be entitled to retain the whole of the fees collected at the stand or whether some portion thereof or a consolidated sum in lieu shall be payable to Government.
(4) An agreement under sub-rule (1) may be so framed as to require the manager within a certain time to erect specified building or carry out specified works on the site of the stand, or to fulfill any specified conditions of the kind described in sub-rule (2) of rule 231.

(5) Save the approval of the Provincial Transport Authority, no agreement shall be made under sub-rule (1) with any person who has a financial interest direct or indirect in any of the vehicles likely to be kept at the stand and unless the person with whom the agreement is to be made agrees that he will not employ in the working of the stand any person having such an interest.

234. **Municipal Stands:** (1) A local authority administering a stand of Class G shall maintain separate accounts of the income received and expenditure incurred in respect of it, and these accounts together with the accounts of any manager or contractor employed by the local authority in connection with the stand shall be subject to audit under arrangements made by Government and shall be open to inspection at all reasonable times by the Provincial Transport Authority and any official appointed by it for the purpose.

(2) It shall be a condition of every order permitting a place to be used as a site for a stand of Class C that the whole of the profits derived from the administration of the stand after deducting such expenditure for the management, lighting and maintenance of the stands as may be incurred with the approval of the Provincial Transport Authority together with the deductions specified in the next following sub-rule shall be devoted by the local authority to defraying the cost of new building and improvements at the stand or providing amenities for the drivers of vehicles for waiting passengers.

(3) In determining the amount to be expended by the local authority under the preceding sub-rule on new buildings, improvements and amenities, a deduction shall be made equal to:

(a) the interest which the local authority may actually be paying on any sum borrowed by it during the preceding twenty years for the purpose of acquiring land or buildings for the stand or if the local authority has during the preceding twenty years expended capital of its own in acquiring land and buildings, a sum representing interest on that capital at the current bank rate;
(b) any rent which may be due from the local authority to any person on account of the land and buildings included in the stand; and

(c) such additional sum not exceeding three percent of the gross receipts from fees as may be agreed between the Provincial Transport Authority and the local authority.

(4) Save with the approval of the Provincial Transport Authority, the local authority administering a stand of Class C shall not entrust the management of the stand to, or permit to be employed in the working of the stand, any person who has a financial interest direct or indirect in any of the vehicles-likely to be kept there at.

235. **Disposal of money accruing to Government:** Moneys accruing to Government from the administration of stand shall be devoted, subject to the vote of the legislature, to:-

(a) the carrying out of improvement and the provision of amenities at stand;

(b) the acquisition of sites for stands; or

(c) any other object which in the opinion of Government conduces to the welfare of persons employed in the motor transport industry and the traveling public.

236. **General stands to be open to all transport vehicles:** No transport vehicle, the driver or person in-charge of which, offers to pay the proper fees shall be refused admittance to a stand of Class A, B and C unless the sanctioned accommodation at the stand is already fully occupied:

Provided that where the owner of any vehicle has been granted a licence for a stand of Class D or has been given permission to make use of a stand of Class D, his vehicle shall have no right of admission to any general stand situated within five miles of that stand.

237. **Inspection of stands:** Every stand, whether on public or privately owned land, shall be open to any inspection at any time by the District Magistrate or any official deputed by the District Magistrate or the Provincial Transport Authority or any official
deputed by it in this behalf or by any officer of police not below the rank of head constable.

238. **Company stands:**

(1) Orders permitting a place to be used as a stand of Class D shall be in Form Stand D and shall specify clearly the area which may be so used.

(2) Save with the special permission of the Provincial Transport Authority, no such order shall be made unless the person or company applying to use the place as a stand holds permits, being permits in the name of the person or company making the application, for not less than five transport vehicles.

(3) Before giving permission for the establishment of any stand of Class D, the Provincial Transport Authority shall satisfy itself that the proposed site is not in such a location as would give the user an undue advantage over the owners of stage carriages operating in competition with him from the general stand or stands.

(4) No vehicles shall be admitted to any stand of Class D other than vehicles in respect of which a permit is held by the person or company in whose name the stand has been sanctioned, together with any vehicles which may have been specially mentioned in the Provincial Transport Authority’s order as entitled to use the stand.

239. **Boundaries of Stands to be demarcated:**

The local authority or person entrusted with the administration of stand shall erect and maintain to the satisfaction of the Provincial Transport Authority pillars or other marks of a permanent character clearly indicating the boundaries of the land included in the stand.

240. **Prohibition on use of loud sounding devices at stands:**

(1) No horn, gong, bell, whistle, gramophone, loud-speaker, musical instrument or other device for creating a loud noise shall be used to attract passengers to any stand.

(2) In the event of such use, the manager and contractor employed to administer the stand, and the owner, driver and conductor of the vehicle to which the sound was intended to attract custom, shall in addition to the person who used the instrument, be punishable for contravening this rule, unless he can show that the use of the instrument was without his consent.
241. **Cancellation of orders for the establishment of stands:** (1) A Provincial Transport Authority may at any time revoke any order made by itself permitting the establishment of any stand if in its opinion any of the conditions on which the stand was permitted to be established have been contravened or the stand has not been satisfactorily managed or its continuance is no longer in the public interest.

(2) Before revoking any order under the preceding sub-rule the Provincial Transport Authority shall give the person authorised to administer the stand an opportunity of being heard, and shall record his reasons in writing.

(3) If an order permitting establishment of a stand is not revoked under sub-rule (1) it shall remain in force for three years or such lesser period as may be mentioned in the order and may be renewed from time to time by the Provincial Transport Authority for a further period of not more than three years.

242. **Appellate Authority:** (1) Any person aggrieved by an order of the Provincial Transport Authority sanctioning the establishment of a stand or revoking or modifying an order permitting the establishment of a stand, may, within thirty days of the receipt of the order, appeal to the appellate authority as prescribed in rule 95, whose orders thereon shall be final and conclusive.

(2) All orders by a Provincial Transport Authority permitting any place to be used for the loading, unloading or halting of motor vehicles used for carriage of goods for hire or rewards, or revoking or modifying any such order, shall be appealable to the appellate authority as prescribed in rule 95 A, whose orders thereon shall be final and conclusive.

(3) The appellate authority, before passing an order under sub-rule (1) or sub-rule (2), as the case may be, shall give the appellant or any other person affected by the order, an opportunity of being heard.

243. **Repeals and Savings:** On the commencement of these rules, the corresponding rules of the Azad Jammu and Kashmir Motor Vehicles Rules, 1940, shall stand repealed:

Provided that anything done or any action taken under any of the said rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules unless such thing or action is inconsistent with any of the provisions of these rules.
THE FIRST SCHEDULE
[(See rule 103 (1)]

BADGES FOR DRIVERS CONDUCTORS AND TICKET AGENTS DRIVER’S BADGE

Brass Badge of 2 inches diameter. Letters and figures stamped or engraved.

CONDUCTORS BADGE
[(See Rule 104 (1)]

<table>
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<tr>
<th>Condutor</th>
<th>249</th>
<th>AJK</th>
</tr>
</thead>
</table>

Rectangular badge 2 inches by 1 inches. Brass Letters and figures stamped or engraved.

TICKET AGENTS BADGE
[(See Rule 109 (1) (b)]

Triangular badge, the bottom side 4 inches long each of the other two 2-inches. Lettering in white on a red ground.
THE SECOND SCHEDULE
( [See Rule 213 (1)] )

DISINGUISHING MARK TO BE EXHIBITED ON THE REAR OF A TRAILER OR THE LAST TRAILER IN A TRAIN OF TRAILERS.

Letter to be in white on a black ground.

Letter to be 7 inches in height and 5 inches in width, the strokes being 1-inches bold. Overall measurements of the mark 8 inches high 7 inches wide.

The above dimensions are minimum. The mark may be exhibited in large size, if desired.
FORM L.P.S.A.

APPLICATION FOR AUTHORISATION TO DRIVE A PUBLIC SERVICE VEHICLE.

To
The Licensing Authority,

I apply for an authorization to drive a public service vehicle on all road through the Azad Kashmir other than Nill Roads (1) and forward herewith the driving licence held by me (No…………………………… date............issued by the licensing Authority of............)

I hereby declare that I have not previously held or applied for an authorisation to drive public service vehicle.

Or (2)

I applied for an authorisation to drive a public service vehicle to the Licensing Authority……………………......in…………………….. The application was refused, for the reasons stated on the reverse.

Or (2)

I formerly held an authorisation to drive a public service vehicle. Full particulars of this authorisation and the circumstances in which it ceased to have validity are given on the reverse.

Name of applicant...........................................................................
(in block letters of clear script)
Present address of applicant...........................................................

(Date) Signature or thumb-impression of applicant.

Forwarded to the Superintendent of Police…………………... for favour of verification of the applicant’s statement.

(Date) Licensing Authority.

(1) If the applicant desires that the authorization be validated for Hill Roads, these words should be deleted.
(2) Strike out whichever entry is not applicable.

The above Form, with suitable adaptations, should also be used for application for countersignatures or validations of licences for Hill Roads.
FORM L.P.S.


INTIMATION REGARDING THE GRANT OF AUTHORISATION TO DRIVE A PUBLIC SERVICE, VEHICLE

To
The Licensing Authority,

An authorisation to drive a public service vehicle has been issued by me on.......................in respect of driving licence No............... dated the...................issued by you in favour of..................

Name of holder.............................................................................
Father’s name.............................................................................
Present address of holder..............................................................

Licensing Authority.

FORM L.L.D.


INTIMATION OF LOSS OR DESTRUCTION OF LICENCE AND APPLICATION FOR DUPLICATE

To
The Licensing Authority,

..................................................

I......................................of (Permanent address)............................ of (present address)..........................(Father’s name).............................. hereby report that driving licence No...............issued by Licensing Authority...............on or about the....................day of.............19...... has been lost/destroyed in the following circumstance...........................

2. I hereby apply for a duplicate licence and tender five rupees in the form of judicial stamps.

3. I attached two clear copies of a recent photograph of myself.

(Date) Signature or thumb-impression of applicant.
(For use in the office of the licensing authority)

PART I

(1) Duplicate of driving licence No............................first granted on....................has been issued by me this day of.........19....

(2) Application refused in letter No.....................dated the..........to the applicant giving reasons.

Licensing Authority,
(Date)

PART II

Forwarded to the licensing Authority....................................... for verification and completion of part II.

Licensing Authority,
(Date)

PART III

Returned to the Licensing Authority....................... Signature. The photograph and.....................*have been compared with my record.
(thumb-impression)

No such licence appears to have been issued by this office.
I am not satisfied that the applicant was the holder of the licence described*
I am satisfied that the applicant was the holder of a licence issued by the office as follows-
(1) Number............................
(2) Date of issue.....................19
(3) Last renewed by the Licensing Authority..........................
(4) Date of expiry.............................19....
(5) Classes of vehicle
(6) The license:-
   (a) Entitled the holder to drive as a paid employee*
   (b) carried an authorisation to drive a public service vehicle granted by*.................................
   (c) carried the following endorsements:

Licensing Authority,
(Date)
PART IV

Returned to the Licensing Authority..........................for record. A duplicate licence has been issued by me on the..........................day of........19........
(1) A copy of the photograph affixed thereto is attached. I have in my letter No..........................dated the..........................declined to issue the duplicate licence applied for, A copy of that letter attached.

Licensing Authority,

..................................

__________________________________________________________

*Strike out alternative not required.

FORM L. Tem.


AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR RECEIPT FOR A DRIVING LICENCE

I have taken possession of the licence hereunder described.

No.......................................................... Name of holder........................

Father’s name.......................... Present address..........................

2. If the holder is called upon to produce his licence for examination, he should exhibit this receipt in lieu.

3. This receipt is valid until the..................day of.................19...or, until the licence has been suspended or cancelled by competent authority, whichever is sooner.

(Date)

..................................

__________________________________________________________

Signature and designation of the authority granting or extending the receipt.
FORM L. Tem. (Police)


AZAD KASHMIR POLICE

Police Station or Traffic Staff.

Cross reference in report from : registration No. of Vehicle.

Number of permit and Regional Transport Authority by which issued (in the case of transport vehicle only)

Scene of offence, with date and time.

Offence (Section of law or rule, with particulars.)

Name of accused person:-

Temporary and permanent address of accused person:-

Whereas you are being prosecuted for the offence described above, you are required to attend the Court of........................Magistrate, 1st Class,.................................at 10 a.m. on................................. to answer the said charge, unless otherwise ordered by the Court. Your driving licence No...................has been taken into my possession in pursuance of sub section (2) of section 114 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971 until the licence is returned to you or the Court has otherwise ordered, this acknowledgement shall serve as an authority enabling you to continue to drive on the same terms as are applicable to your license.

(Date)            (Signature and Designation)
FORM L. Lr.


AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
LEARNER’S DRIVING LICENCE
(Valid in the Azad Kashmir)

No..........................

(Present Address).................................................................................................

(Father’s name)...........................................................................................................

is permitted to drive as a learner, subject to the provision of rule 18 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973, motor vehicle of the following description..................................................

This permit is valid upto the...............day of........

Duplicate signature or thumb-impression (transferred from Form L. Lr. A.)

licensing Authority.

(Date) ........................................

Warning: The holder of this permit must, before attempting to drive study carefully the driving regulations in the Tenth Schedule to the Azad Jammu and Kashmir motor Vehicle Ordinance, 1971 and the signals in the Eleventh Schedule thereto. In addition, his attention is directed to the rule 18 of the Azad Jammu and Kashmir Motor Vehicle Rules, 1973, which prohibits him from driving any motor vehicle other than one of the type specified therein and then only if he has besides him a person duly licensed to drive the vehicle and if the vehicle carries “L” plates. (In the case of a two wheeled motor cycle, or a, motor cycle and side car, it is not necessary for the learner to have a licensed driver alongside).
FORM L. Lr. A.


APPLICATION FOR A LEARNER’S LICENCE

I-Application

To
The Licensing Authority,

I hereby apply for a licence authorizing me to drive as a learner a vehicle of the following description:

*Motor car.    *Heavy transport vehicle.
*Deliver van.

II-PARTICULARS TO BE FURNISHED BY APPLICANT

1. Full name and name of father……………………………………

2. Permanent address........................................................................

3. Temporary address........................................................................

4. Age at date of application..............................................................

5. Particulars of any licence previously held by the applicant.

6. Particulars of any learner’ driving permit previously held by the applicant in respect of the description of vehicle to which the application applies.

________________________________________________________

Signature or thumb-impression of applicant.

........................................

(Date)      Duplicate signature or thumb-impression of applicant.

*Strike out whichever is inapplicable. Add other description, if necessary.
FORM L. E.


INTIMATION BY COURT OF ENDORSEMENT OF LICENCE

Court of...............................................................Magistrate.............................................Class

To
The Licensing Authority

.............................................................
Licence No............. dated the.......... issued by you in favour of:-
Name.................................................................
Name of Father..........................................................
Permanent address..................................................

has been endorsed by this Court as follows:-
Date of endorsement..................................................


Magistrate.............Class

(Date)

.............................................................

________________________________________________________

Copy forwarded to the Licensing Authority......................... by whom the licence was last renewed on.........................19........

(Date)

Magistrate.............Class

---------
FORM L. R.

(INTIMATION OF RENEWAL OF LICENCE)

From
The Licensing Authority

To
The Licensing Authority

Licence No.........................dated.............issued by you in favour of-
Name...........................................................................................................
Name of father............................................................................................
Permanent address....................................................................................
Present Address.........................................................................................

has been renewed by me for a period of twelve months with effect from the............day of............. 19....

Licensing Authority.

..............................
FORM M.S.


FORM OF LICENCE FOR THE ESTABLISHMENT OF A MOTOR DRIVING SCHOOL.

Licence is hereby granted for the establishment of a School for imparting instructions to Motor drivers in the following class of motor vehicles:-

*(a)* Heavy Motor Vehicles.
*(b)* Light Motor Vehicles.
*(c)* Motor Cycles.

by (1) ....................................................................................................... 

at (2) ....................................................................................................... 

__________________________________________________________ 


This licence is valid upto................day of................19...... 

Licensing Authority. 

........................................ 

Dated............19............ 

This licence is hereby renewed upto......day of................19...... 

Licensing Authority. 

........................................ 

Note:- The licence is subject to the provisions of rule 22 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973. These provisions require the licensee, among other things:-

(a) to obtain prior approval of any change of address of the school; 

(b) to allow the school to be inspected, at any reasonable time, by a duly authorised person; 

(c) if so required, to obtain the sanction of the licensing authority both to the number of pupil that may be admitted at any one time and to the syllabus; 

(d) to maintain an adequate number of vehicles fitted with
dual control and other necessary apparatus and equipment; and

(e) to maintain a record, with photographs of the students attending, the duration of their instruction and the dates on which they passed driving test.

The licence is liable to be rescinded at any time if the character of the proprietor or staff, the financial condition of the undertaking or the conduct of the school is unsatisfactory.

*Strike out whichever is inapplicable.

(1) Here enter full name of persons, Company, Association, managing the school.

(2) Address of premises of school.

----------
APPLICATION FOR CERTIFICATE OF FITNESS

To
The Motor Vehicles Examiner.

I hereby apply for the issue of a certificate of fitness as required by section 38 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971:-

Registration mark of vehicle...........................................................
Name of owner.............................................................................
Address of owner...........................................................................
Place where the vehicle is ordinarily kept....................................
Name of manufacturer of vehicle..................................................
Manufacturer’s model, or if not known, wheel base.................
Type of vehicle............................................................................
Engine Number............................................................................
Chassis number...........................................................................

Particulars of any previous certificate of fitness granted in respect of the vehicle.................................................................
Authority by which granted..........................................................
Date when certificate ceased to be valid........................................
Reasons for not producing certificate of fitness............................
Date...................... 19......
APPLICATION FOR RENEWAL OF CERTIFICATE OF FITNESS

To
The Motor Vehicles Examiner,
..............................

I hereby apply for renewal of the certificate of fitness described below:-

Registration mark of vehicle..............................................
Type of vehicle........................................................................
Name of owner............................................................................
Address of owner........................................................................
Place where the vehicle is ordinarily kept..............................
   Number of the certificate of fitness and date of issue or last
   renewal....................................................................................
   Authority by which the certificate of fitness was issued or last
   renewed....................................................................................
   The date of next inspection as endorsed in the certificate of fitness last
   renewed, if any.................................................................
The date of expiry of the certificate of fitness..............................

Date........................................19...... Signature or thumb-impression
of applicant.

__________________________
TEMPORARY AUTHORISATION OF USE OF VEHICLES
WHEN THE CERTIFICATE OF FITNESS HAS EXPIRED

The certificate of fitness of (1)....................................................
Registration mark........................................................................
Last renewed by.........................................................has expired.

I hereby authorise the use of the vehicle until the.................. day
of........19........provided that it is forthwith removed with all reasonable dispatch to
the area of the authority by whom the certificate of fitness is due to be renewed:

Provided also that while being used under this authorisation, the vehicle shall not
(2):-
(a) carry more than........persons excluding the driver;
(b) carry any good (2);
(c) be driven at a speed in excess of........miles per hour (2).

Signature and jurisdiction of the
Motor Vehicle Examiner

Dated………………
on the........day of..........19..........  ………………………...

(1) Here enter brief description of vehicle.
(2) Strike out if not required.

To
The Registering Authority,
…………………………..

I have today......19…….authorised temporarily the use of motor vehicle
No..................for its removal to...................................................... The C.F. issued
Sub-is valid upto..............................................................
FORM C.F.X.

TEMPORARY AUTHORISATION FOR THE REMOVAL OF A MOTOR VEHICLE WHEN THE CERTIFICATE OF FITNESS HAS BEEN CANCELLED.

Registration mark of vehicle………………………………………
Make and Model………………………………………………….
Type of vehicle…………………………………………………...
: Number………………………………
: Issued by…………………………………
Certificate of fitness : Last renewed on………………………
: by………………………………………

Date of inspection……………………………………………………
Name and address of owner………………………………………


I have therefore, impounded the certificate of fitness. The vehicle may be produced for re-examination at (1*).......................on (2*)...........................or at (1*) (3*)...........(2*) (3*)....................

On or before the...............................day of.......................19.......... the vehicle may be driven to..........................for repairs and thereafter to.........................It shall not be driven at a speed in exercise of........... miles per hour and..................(4*) passengers and..................... (4*) goods may be carried.

Signature and designation of Authority.

Date at..........................
on the...........................day of............ 19....

(1*)Here enter time and place
(2*)Here enter date.
(3*)Strike out if not required.
(4*) Here enter the word “on” unless for any very special reason some load is to be allowed.
(FORM C.F.C.)


NOTICE STATEING REASONS FOR CANCELLATION OF CERTIFICATE OF FITNESS

To

…………………………

Dear Sir, Madam,

Whereas I am satisfied that your Motor Vehicle No.................has ceased to comply with the requirements of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973, on account of mechanical defects mentioned below. I hereby cancel the certificate of fitness in accordance with section 38, of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, until such time as it has been repaired and passed as mechanical fit by this office.

Please note that the certificate of registration and any permit granted in respect of this vehicle shall also be deemed to be suspended until a new certificate of fitness has been obtained.

Yours faithfully,

Motor Vehicles Examiner,

………………
INSPECTION REPORT OF A MOTOR VEHICLE
TAXI

INSPECTION REPORT OF TRUCK NO......................
BUS

Engine No.......................... Make..........................
Chassis No......................... Model..........................

WEIGHTMENT PARTICULARS

Type.................................................................
No. and size, ply rating.

<table>
<thead>
<tr>
<th>Type</th>
<th>No. and size, ply rating.</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.W........Lbs.</td>
<td>Front Axle...............</td>
</tr>
<tr>
<td>R.L.W........Lbs.</td>
<td>Rest Axle...............</td>
</tr>
<tr>
<td>F.A.W........Lbs.</td>
<td>Any other Axle...........</td>
</tr>
<tr>
<td>R.A.W........Lbs.</td>
<td>No. of seats................</td>
</tr>
</tbody>
</table>

(including driver)
No. of standees..................

1. Front Axle and Steering:
   (a) King pins and Bushes.
   (b) Front Wheel Bearings.
   (c) Front Wheel Alignment.
   (d) Steering turning Circle.
   (e) Steering lock.
   (f) Wheel free movement.
   (g) Steering connections.
   (h) Other items.

2. Front Spring:
   (a) Shackle pins and Bushes.
   (b) Clamps and U bolts.
   (c) Camber.
   (d) Hangers and brackets.
3. Fuel System:
   (a) Fuel Tank.
   (b) Fuel lines.

4. Electric System:
   (a) Lamp.
   (b) Wiring.
   (c) Horn,
   (d) Dipper.

5. Engine Performance.


7. Transmission:
   (a) Clutch.
   (b) Gear-box.
   (c) Universal joint.
   (d) Propeller Shaft.
   (e) Differential.

8. Rear Springs:
   (a) Shackles pins and Bushes.
   (b) Clamps and U bolts.
   (c) Camber.
   (d) Auxiliary Springs.
   (e) Hangers and brackets.


10. Chassis Frame:
    (a) Distorted.
    (b) Welded.
    (c) Cracked.
    (d) Reinforced.

11. Body:
    (a) Paint work.
    (b) Upholstery.
    (c) Painting of weights.
    (d) Rear Wings.
    (e) Dimensions.
    (f) Floor boards.

12. Brakes:
(a) Foot.
(b) Hand.
(c) Booster system.

13. Compulsory Equipment:
(a) Bulb Horn.
(b) Windshield wiper.
(c) Rear view Mirror.
(d) Speedometer.

14. Requisite Equipment and Spare Wheel

15. Cleanliness.

16. Any other observation or defect worth mentioning.

*Issue/Renewal of Certificate is refused for the reason that the vehicle does not comply with the requirements of Chapter VI of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, vide the above defects.

2. Issue/Renewal of Certificate of Fitness is hereby sanctioned for a period of.............months.

Motor Vehicle Examiner.

Place..........................................
Date...........................................

Key to abbreviations:-
R/S.- Unserviceable.
R/A.- Requires attention.
O/K.- Satisfactory.
TEMPORARY CERTIFICATE OF REGISTRATION

<table>
<thead>
<tr>
<th>Counter foil</th>
<th>Foil B</th>
<th>Foil A</th>
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<tbody>
<tr>
<td>Book</td>
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<td>Book</td>
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<td>Serial</td>
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<td>No.</td>
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<tr>
<td>Owner’s name and address</td>
<td>Owner’s name and address</td>
<td>Owner’s name and address</td>
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<td>……………….</td>
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<tr>
<th>Description of Vehicle</th>
<th>Description of Vehicle</th>
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<tr>
<td>Make.....H.P............</td>
<td>Make.....H.P............</td>
<td>Make.....H.P............</td>
</tr>
<tr>
<td>Engine No..............</td>
<td>Engine No..............</td>
<td>Engine No..............</td>
</tr>
<tr>
<td>Type of body............</td>
<td>Type of body............</td>
<td>Type of body............</td>
</tr>
<tr>
<td>Colour..................</td>
<td>Colour..................</td>
<td>Colour..................</td>
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</table>

TEMPORARY REGISTRATION MARK ASSIGNED TO THE VEHICLE

<table>
<thead>
<tr>
<th>Place in which the vehicle is to be permanently registered.</th>
<th>Place in which the vehicle is to be permanently registered.</th>
<th>Place in which the vehicle is to be permanently registered.</th>
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<table>
<thead>
<tr>
<th>Date of issue of temporary certificate</th>
<th>Valid for ten days</th>
<th>……………….</th>
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</thead>
<tbody>
<tr>
<td>(issuing Authority)</td>
<td>(Date)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Valid upto.</th>
<th>Copy forwarded to the Registering Authority</th>
<th>This temporary certificate is valid upto the…….19…… only, and the vehicle must be presented for permanent registration before that date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Date)</td>
<td>Issuing Authority.</td>
<td></td>
</tr>
</tbody>
</table>

790
FORM CRLD


INTIMATION OF LOSS OR DESTRUCTION OF CERTIFICATE OF REGISTRATION AND APPLICATION FOR DUPLICATE

To

The Registering Authority,

......................................

The certificate of registration of my motor vehicle, the registration of which is, has been lost/destroyed (1*) in the following circumstances..............................................................................................

I hereby declare that to my knowledge the registration of the vehicle has not been either suspended or cancelled under any of the provisions of the Azad Jammu and Kashmir Motor Vehicle Ordinance, 1971, or the rules made thereunder, and I herewith deposit the fee three rupees and apply for the issue of a duplicate certificate of registration.

Signature or thumb-impression of applicant.

Date............... Address.................................

(1*)Strike out whichever word is inapplicable.
FORM CRLD Tran


INTIMATION OF LOSS OR DESTRUCTION OF
CERTIFICATE OF REGISTRATION AND CERTIFICATE
OF FITNESS OF A TRANSPORT VEHICLE AND
APPLICATION FOR DUPLICATE

To
The Registering Authority,

The certificate of registration (1*) and certificate of fitness of my motor vehicle, the registration mark of which is..............................has been lost/destroyed (1*) in the following circumstances:-

I hereby declare that to the best of my knowledge neither the certificate of registration nor the certificate of fitness (1*) has been, either suspended or cancelled under any of the provisions of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, or the rules made thereunder. I herewith deposit the fee of five rupees and apply for the issue of a duplicate certificate of registration and certificate of fitness.

The certificate of fitness was last renewed by the Motor Vehicles Examiner at..........................................................

Signature or thumb-impression of applicant.

Date....................               Address.......................................

(1*)Strike out which ever word is inapplicable.
FORM R. TEM


RECEIPT FOR CERTIFICATE OF REGISTRATION AND CERTIFICATE OF FITNESS OF A TRANSPORT VEHICLE.

I have taken possession of the certificate of registration and the certificate of fitness hereunder described.

Number........................................................................................................................................
Name of holder.........................................................................................................................
   Father’s name.................................................................................................................. Present
   address..............................................................................................................................

2. The holder is hereby exempted from the obligation to produce his certificate of registration and the certificate of fitness.

3. This receipt is valid until the..............day of..............19..... or until the licence has been suspended or cancelled by competent authority, whichever is sooner.

(Date)
(1*).................................................................

__________________________________________________________
(1*) Signature and designation of the authority granting or extending the receipt.

____________
NOTICE OF TERMINATION OF AGREEMENT OF HIRE PURCHASE

To
The Registering Authority,

........................

We the undersigned hereby request that the note endorsed on the certificate of registration forwarded herewith, of vehicle No..................... (1*) in respect of an agreement of hire purchase between us, be cancelled.

(Date) Signature or thumb impression

(Date) Signature of other party.

_________________
FORM T. O.


INTIMATION OF TRANSFER OF OWNERSHIP OF A MOTOR VEHICLE

1. (1*)……………………………son of…………………………… of
(2*)....................................................................................................(3*) forward
herewith the certificate of registration and the certificate of fitness (3*) of motor
vehicle.

No.........................(4*) the ownership of which has been transferred to me by
(5*)..................................................and hereby request that the said vehicle may be
registered in my name and that the certificate of registration be amended
accordingly.

(Date) Signature or thumb-
impression

of transferee

Endorsement in the case of a vehicle which is the subject of an agreement of hire
purchase.

I/We (6*) being a party to an agreement of hire purchase in respect of the vehicle
specified above consent to the transfer of ownership of the said vehicle to
(1*).................................................with whom I/We (6*) have entered into an
agreement of hire purchase in respect of this vehicle (6*).

(Date) Signature of the party other
than the owner.

(1*)Here enter full name of transferee.
(2*)Here enter full address of transferee.
(3*) Strike out the words “and the certificate of fitness” when inapplicable.
(4*)Here enter registration mark.
(5*)Here enter name and address of person or firm whom the
vehicle has been transferred.
(6*)Strike out whichever is inapplicable.
FORM C. R. T.


COMMUNICATION TO ORIGINAL REGISTERING AUTHORITY OF TRANSFER OF OWNERSHIP OF A MOTOR VEHICLE.

To
The Registering Authority,

Motor vehicle No. ........................................(1*) registered by you in the name of .......................................................... has, with effect from the ........................................day of .................. 19 ........ been transferred to the name of ......................................................... (2*) son of ............................................. of .............................................(3*)

The other party to the hire purchase agreement has consented to the transfer, and has entered into an agreement of their purchase in respect of the vehicle with the transferee (4*).

(Date)          Registering Authority

(1*)Here enter registration mark.
(2*)Here enter full name of transferee.
(3*)Here enter address of transferee.
(4*)Strike out if inapplicable.
FORM R. M. A.


INTIMATION OF CHANGE OF RESIDENCE AN APPLICATION FOR NEW REGISTRATION MARK.

To
The Registering Authority,

………………………………
I…………………………………of………………………………being the owner of motor vehicle No.............................hereby declare that I have, since the.........................,.................day of......................... kept the said motor vehicle in the Province of...............................and hereby apply for the assignment to the motor vehicle of a new registration mark.

I enclose the certificate of registration and the certificate of fitness (1*) of the vehicle.

(Date)     Signature or thumb-impression

of owner.

________________________________________________________

(1*) Strike out the word “and the certificate of fitness” if inapplicable.
VOLUME III: 1971-1973

FORM R.M.I.


INTIMATION OF ASSIGNMENT OF NEW REGISTRATION MARK AND CALL FOR RECORDS FROM ORIGINAL AUTHORITY.

From
The Registering Authority,

---------------------------------------------

I hereby assign the registration mark.............................to the motor vehicle previously registered as.......................... The new mark shall, within ten days of the issue of this notice, be affixed to the vehicle in the place of the old, in the manner prescribed.

(Date)         Registering Authority

---------------------------------------------

Copy forwarded to the registering Authority.........................for information. It is requested that the registration records of the vehicle or a certified copy of the same be transferred to this office.

(Date)         Registering Authority

---------------------------------------------

(1*) Here enter full name and present address of owner.
If the vehicle is the subject of a hire purchase agreement, a copy of this letter should be sent to the hire purchase company concerned.

----------
FORM C. A.


APPLICATION FOR CHANGE OF ADDRESS

To
The Registering Authority,

…………………………

I...........................................s/o......................................... forward herewith the certificate of registration and the certificate of fitness of Motor Vehicle No.............................and hereby request that the entries regarding the following change of address may be made therein:
Particulars of the new address.

………………………………...
………………………………...

Signature or thumb-impression of the owner of the vehicle.

________________________
FORM A.M.

(intimation of alteration in motor vehicles

(Volume III: 1971-1973)


INTIMATION OF ALTERATION IN MOTOR VEHICLES

To

The Registering Authority,

…………………………..

I…………………………son of……………………………… forward herewith the certificate of registration and the certificate of fitness of motor vehicle No………………………………and hereby request that the entries regarding the following alterations may be made therein:

Particulars of alterations to be made.

1. ................................................
2. ................................................
3. ................................................
4. ................................................

………………………………...

………………………………...

Signature or thumb-impression

Date of the owner of the vehicle.

800
FORM T. C. A.


APPLICATION FOR A TRADE CERTIFICATE OR CERTIFICATES

To
The Registering Authority,

…………………………

I/We…………………………………….of………………………being (a) Manufacturer(s)/dealer(s) of motor vehicles, hereby apply for trade certificate which I/We declare to be necessary for the purposes or my/our business as herein stated, and I/We herewith tender the fee of.............rupees by.........................My/Our business is that of:-

__________________________________________________________

Date        Signature of applicant.

_____________
FORM T. C.


TRADE CERTIFICATE
Counterfoil


2. Name and address of holder of the certificate.

3. Date of expiry.

4. Date of issue.

5. Signature of authority.

TRADE CERTIFICATE

1……………………………
2……………………………
3……………………………
4……………………………

Sale Registering Authority,

……………………………

802
FORM T. .R.


REGISTER OF TRADE CERTIFICATE

Record of the use of trade registration marks No……………………

<table>
<thead>
<tr>
<th>Date</th>
<th>Final letter of mark used and registration mark in case of second-hand vehicle</th>
<th>Description of vehicle</th>
<th>Purpose for which sent out</th>
<th>Drivers name</th>
<th>Hour of Leaving premises</th>
<th>Hour of Returning premises</th>
<th>Signature of holder of certificates or responsible agent</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Note:- Supplies of this register will not be printed and stocked by government. Holders of trade certificate will make their arrangements for printing.
FORM P.S.T.P.A.

(Rule 64 (1) of the Azad Jammu and Kashmir

APPLICATION FOR A PERMIT IN RESPECT OF A
PARTICULAR STAGE CARRIAGE

To
The Regional Transport Authority,

……………………………………

In accordance with the provisions of section 46, 47 and 59 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, I/We the undersigned hereby apply for a permit under section 48 of that Ordinance in respect of a stage carriage as hereunder:-

1. Full name……………………………………………………………………

2. Name of father (in the case of an individual) ……………………..

3. Address……………………………………………………………………

4. Route or routes or area for which the permit is desired………………

5. Brief description of vehicle (1) ………………………………………..

Here state date of manufacture, whether bus type with side entrances or lorry type with entrance at rear and other relevant particulars.

6. Seating capacity is appended………………..is appended.

7. A time table………………………………………………………………..will be arranged with other operators on the route.

(Alternatively)- No time table is proposed but I undertake to run the following minimum service.

8. The standard rate of fare which it is proposed to charge is…………….paisa per passenger per mile.
9. Particular of any stage carriage or contract carriage permit valid in the Province and held by the applicant in respect of:-(a) this vehicle........................................................................
   (b) any other vehicle..........................with details of any route or
   routes over which this vehicle was operated regularly before
   making this application..........................................................

10. Particulars of any permit held by the applicant in respect of the use of any transport vehicle in Azad Jammu and Kashmir which has been the subject of an order of cancellation.

11. (i) I/we desire to use the vehicles for the carriage of goods as a public/private carrier and I/we apply for a public/ private carrier’s permit in addition to a stage carriage permit in respect of the route, routes or area above specified.
   (ii) I/we intend to carry goods of the following description:-

12. I/We.............................................desire to use the vehicle as a contract carriage within the area specified below...................

13. I am/we are already in possession of the vehicle which is my own property, (if the vehicle is not the property of the applicant, give particulars of the hiring agreement).

14. I/We have not yet obtained possession of the vehicle and I/we understand that the permit will not he issued until I/We have don so and have produced the certificate of registration.

15. I/We intend to drive the vehicle.

16. I/We desire a permit valid for..............years.

17. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

   Signature or thumb-impression
   of applicant.

(Date)     Strike out inapplicable entries or
alternatives throughout.

805
To be filled in the office of the Regional Transport Authority.

1. Date of receipt.
2. Date of application.
3. Date or dates of hearing of objections.
   Granted
   ..................................................
4. Granted in modified form on the................day of.....19…
   Rejected
5. Number of permit issued,

Secretary,
Regional Transport Authority.

_____________
APPLICATION FOR A PERMIT IN RESPECT OF A
SERVICE OF STAGE CARRIAGES

To
The Regional Transport Authority,

In accordance with the provision of section 46, 47 and 59 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, I/We the undersigned hereby apply for a permit under section 48 of that Ordinance in respect of a service of stage carriages as hereunder set out:-

1. Full name........................................................................................................
2. Name of father (in the case of an individual)..............................................
3. Address...........................................................................................................
4. Route, routes, or area for which a permit is desired.........................
5. Maximum number of vehicles which it is desired to operate at any one time under the terms of the permit..................
6. Minimum number of vehicles which will be operated at any one time under the terms of the permit in the area or on any route or any part of any route, and the minimum number of daily vehicle trips.................................................................
7. The type or types of vehicles to be used on the service and the approximate seating capacity are.................................................... vehicles of not less than..................and not more than...............seats vehicles of not less than..................and not more than ..............seats.........vehicles of not less than...........and not more than..................seats.
8. Particulars of the time-table (s) proposed are appended.
9. The standard rate of fare which it is proposed to charge is........................................ paisas per passenger per mile.
10. Particulars of any stage or contract carriage permit valid in the Province, held by the applicant, and details of the route over which or area in which the applicant’s vehicles were regularly operated before making this application ..................................

11. Particulars of any permit held by the applicant in respect of the use of any transport vehicle in Azad Jammu and Kashmir which has been the subject of an order of cancellation..............

12. Provided that sufficient passengers do not offer at any time I/We desire to carry goods in these vehicles in addition to passengers on the understanding that goods will be so carried on not more than.......................................................the accommodation for passengers in any vehicle will be replaced by goods.

13. I/We declare that not more than...........................of these vehicles are or will be the subject of permits (other than temporary permits) for use as contract carriages.

14. I am/we are at present in possession of.....................vehicles available for use under the permit applied for. The vehicles are my/our own property. (If the vehicles are not the property of the applicant, give particulars of the hiring agreement).

15. I/We desire a permit valid for.......................years.

16. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Signature or thumb-impression

Date of applicant.

To be filled in the office of the Transport Authority.

1. Date of receipt.
2. Date of publication.
3. Date or dates of hearing of objections.

Granted

.................................

4. Granted in modified form the ........day of............ 19..........

Rejected

5. Number of permit issued:-

Secretary,
Regional Transport Authority.
APPLICATION FOR A CONTRACT CARRIAGE PERMIT

To
The Regional Transport Authority,

In accordance with the provisions of section 46, 50 and 59 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, I/We undersigned hereby apply for a permit under section 48 of the Ordinance in respect of a contract carriage as hereunder set out:

1. Full name

2. Name of father (in the case of an individual)

3. Address

4. Area for which required

5. Brief description of vehicle (1*)

6. Seating capacity

7. Particulars of service to be performed by the contract carriage (not necessary in case of a motor cab other than one used on a hill road) and the manner in which it is claimed that the public convenience will be served.

8. (In the case of a motor cab) District or other area which the applicant desires to have appointed as the headquarters of the vehicles for the purpose of rule 81 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973

9. Particulars of any stage carriage or contract carriage permit valid in the Province and held by the applicant in respect of:

(a) this vehicle
(b) any other vehicles......................................with details of any route
over which or area in which the vehicle was used regularly
before making this application.

10. Particulars of any permit held by the applicant in respect of the
use of any transport vehicle in Azad Jammu and Kashmir which
he has been the subject of suspension or cancellation
........................................................................................................
.......................................................................................................

11. I am/we are in possession of the vehicle which is my/our own
property, (if the vehicle is not the property of the applicant give
particulars of the hiring agreement).

12. I/We have not yet obtained possession of the vehicle and I
understand that the permit will be issued until I/We have done
so and have produced certificate of registration.

13. I/We intend to drive the vehicle.

14. I/We desire a permit valid for.............years.

15. I/We hereby declare that the above statements are true and agree
that they shall be conditions of any permit issued to me/us.

                         Signature or thumb-impression
                        Date
                        of
                        applicant.

Strike out inapplicable alternatives,
throughout.

(*) Here state whether single or double deck, fixed roof or hood only,
glass windows or side curtains in the case of a motor cab, enter
accordingly.
To be filled in the office of the Transport Authority.
1. Date of receipt.................................................................
Circulation to members..........................................................
2. Date of consideration at meeting................................. decision by
   Chair man.................................................................
   Granted
3. Granted in modified form on the.............day of ........19..
   Rejected
4. Number of permit.............................................................

Secretary,
Regional Transport Authority.

810
APPLICATION FOR PRIVATE CARRIER’S PERMIT

To
The Regional Transport Authority,
……………………………………

In accordance with the provisions of sections 46, 54, and 59 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, I/We undersigned hereby apply for a private carrier permit under the provisions of section 44 of that Ordinance, as hereunder set out:

1. Full name……………………………………………………………………

2. Name of father in (the case of individual)…………………………

3. Address……………………………………………………………………

4. Area for which the permit is desired, with giving full particulars of the application…………………………………………………………

5. Type and capacity of vehicle including trailers and the alternative trailers of articulated vehicles.

<table>
<thead>
<tr>
<th>Number of vehicles</th>
<th>Type</th>
<th>Load capacity Lbs.</th>
<th>Laden weight Lbs.</th>
<th>Registration Marks.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note 1. If any of the vehicles are not in the possession of the applicant it will suffice if the figures in column 3 and 4 are correct within ten percent above or below subject to any limitation of weight in force. The certificates of registration, must be presented to the Transport Authority so that the registration marks may be entered in the permit before the permit is issued.
Note 2. If the application is in respect of a large number of vehicles than can be specified above, an additional schedule may be appended in the same form.

6. Nature of the applicants business............................

7. Specification of the goods to be carried.............................

8. Particulars of any other private carrier’s permit held by the applicant, and the area in which the vehicle was regularly used before making this application.....................................................

9. I/We desire a permit valid for..........................years.

10. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

   Signature or thumb impression
   of applicant (s).

Strike out in applicable alternatives throughout.

__________________________________________________________
To be filled in the office of the Transport Authority.
1. Date of receipt.............................................................

Circulation to members.
2. Date of consideration at meeting................................. decision by Chairman..................................................

3. Granted/Granted in modified/Rejected form on the........day
   of........19.

4. Number of permit..........................................................

Secretary,
Regional Transport Authority.
FORM P. Pu. C. A.

(Rule 63 (1) of the Azad Jammu and Kashmir

APPLICATION FOR A PUBLIC CARRIER’S PERMIT

To
The Regional Transport Authority,
…………………………………….

In accordance with the provisions of sections 47, 56 and 59 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, I/We the undersigned hereby apply for a public carriers permit under section 44 of that Ordinance, hereunder set out:

1. Full name..............................................................

2. Name of father (in the case of individual)......................

3. Address........................................................................

4. Route, or area for which the permit is desired..............

5. Type and capacity of vehicle including trailers and alternative trailers of articulated vehicle.

<table>
<thead>
<tr>
<th>Number of vehicles</th>
<th>Type</th>
<th>Load capacity Lbs.</th>
<th>Laden weight Lbs.</th>
<th>Registration Marks.</th>
</tr>
</thead>
</table>

Note 1. If any of the vehicles are not in the possession of the applicant it will suffice if the figures in column 3 and 4 are correct with ten percent above or below, subject to any limitation of weight in force. The certificates or registration must be presented to the Transport Authority so that the registration marks may be entered in the permit before the permit is issued.
Note 2. If the application is in respect of a large number of vehicles than can be specified above, an additional schedule may be appended to the Form.

6. Full particulars of the service to be performed by the vehicles and the manner in which it is claimed that the public convenience will be served.

7. Particulars of any public carrier’s permit or public motor vehicle licence held by the applicant at present or at any time during the last two years, and the maximum and minimum rates charged for the carriage of goods with details of area over which the vehicles have been regularly operated.

Note- If the particulars are extensive, append a further statement.

8. Particulars of any public carrier’s permit held by the applicant which has been the subject of any order of cancellation.

9. Particulars other than particulars furnished under item 7 of any agreement or arrangement affecting in any material respect the provision within the region of the Provincial Transport Authority of facilities for the transport of goods for hire or reward entered into by the applicant with any other person by whom such facilities are provided, whether within or without the region.

……………………………………………………………………………
__________________________________________________________

10. (1) I/We desire to use the vehicle or vehicles as a private carriage for a carriage of goods which are my/our own property or the carriage of which is incidental to my/our business of...........

(2) The goods which I/We desire to carry as a private carrier are..........................................................

11. I/We forward herewith the certificates of registration of the vehicles (or) I/We will produce the certificates of registration of the vehicles before the permit is issued.

12. I/We desire a permit valid for.........................years.
13. I/We hereby declare that above statements are true and agree that they shall be condition of any permit issued to me/us.

                      Signature or thumb-impression of

                      Date

                      applicant (s)

Strike out inapplicable entries or alternatives throughout.

__________________________________________________________

To be filled in the office of Regional Transport Authority.
1. Date of receipt...................................................................
2. Date of publication..............................................................
3. Date or dates of hearing of objection if any............................

   Granted

   4. Granted in modified form on the........day of........19....

   Rejected.

5. Number of permit issued.

                      Secretary,
                      Regional Transport Authority.

________________________
FORM P. Tem. A.


APPLICATION FOR A TEMPORARY PERMIT

To
The Regional Transport Authority,

In accordance with the provisions of sections 47 and 64 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, I/We the undersigned hereby apply for a temporary permit under section 44 of that Ordinance as hereunder set out:

1. Full name

2. Name of father (in the case of an individual)

3. Address

4. Purpose for which permit is required

5. Route or routes

6. Period of duration of permit: from to

7. Type and laden weight/seating capacity of the vehicle or vehicles for which the permit is required

8. (1) The registered owner(s) of the vehicle(s) is/are and the registration mark(s) is/are

(2) The vehicle has not yet been hired by me/us and I/We undertake to intimate the registration marks if required within twenty-four hours of hiring the vehicle/vehicles.

9. Number and date of any regular permit issued in respect of the vehicle, with designation of issuing authority.
10. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit to me/us.

Date Signature or thumb-impression of applicant.

Strike out inapplicable alternatives throughout.

To be filled in the office of the Transport Authority.

1. Date of receipt.................................................................

Granted

2. Granted in modified form on the...........day of........19......

Rejected.

3. Permit number.

4. Registration mark (s) of vehicle(s), if intimated after issue.

Secretary,
Regional Transport Authority.
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR PERMIT IN RESPECT OF A PARTICULAR STATE CARRIAGE

PART A

(Full permit to be kept by holder)

No. P. St. P...........................................

Provincial Transport Authority...........................................................................(1*)

1. Name of holder..........................................................................................

2. Father’s name..........................................................................................

3. Address....................................................................................................

4. (a) Registration mark............................................................................... (b) The vehicle is held under a hire-purchase agreement with..

5. Maximum number of passengers which may be carried at any one time

(1*) Here enter the name of the Province.

6. A conductor shall be carried on the vehicle at all times when it is in use as a stage carriage (or contract carriage) (1*).

7. Routes area (2*) for which the permit is valid..................................

8. Date of expiry..........................................................................................


10. Particulars of time-table to be observed if any.................................(3*)

11. Whether goods may be carried solely or in addition to passengers
and their personal luggage, and conditions subject to which the goods may be so carried.

12. The vehicle above described may be used by the holder of this permit as a contract carriage with the areas hereunder specified subject to the following conditions.

13. (1) The vehicle may be used as a contract carriage outside the area specified in entry 12 above, or other area or route in respect of which the permit has been countersigned, provided that on each occasion when the holder of the permit seeks so to use the vehicle he obtains a special pass from the officer in charge of the tehsil or sub-tehsil in which he has his principle place of business or other authority appointed by the Provincial Transport Authority for the purpose.

(2) No special pass shall be made valid for more than one outward and return trip and not more than one special pass shall be issued at any one time nor shall any special pass allow the holder to enter into an engagement with a fresh hirer in respect of the return journey.

(3) A special pass shall be in such form as the Provincial Transport Authority may direct, and a fee shall be payable there for as laid down in rule 68 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973.


14. Whether the fare table is to be exhibited on the vehicle.

15. Whether the time-table is to be exhibited on the vehicle.

16. The records to be maintained and the dates on which returns are to be made to the Transport Authority.

17. When the vehicle is not in use it shall not be halted in any public place except at a stand or a parking place, appointed by a competent authority under section 79 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971.

19. Any other conditions.................................................................

20. This permit shall to the extent specified in entry 11 above, be deemed to be a public carrier’s permit (4*).

21. This permit shall to the extent specified in entry 12 above, be deemed to be contract carriage permit (5*).

22. Under the provisions of rule 69 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973, this permit is valid also in the regions and subject to the conditions Setout below.

<table>
<thead>
<tr>
<th>Region</th>
<th>Route/Area (5*)</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.</td>
<td></td>
<td>This permit does not entitle the holder to use the vehicle as a stage carriage on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of stage carriage permitted to operate thereon, unless the road is specifically mentioned in entry 7 above.</td>
</tr>
<tr>
<td>24.</td>
<td></td>
<td>This permit does not entitle the holder, except to the extent indicated here, to use the vehicle as a contract carriage or as a goods vehicle on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of contract carriages or goods vehicles, as the case may be permitted to operate thereon.</td>
</tr>
<tr>
<td>25.</td>
<td></td>
<td>The holder of this permit shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated conformably with the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971 and the rules made thereunder, and with due regard for the comfort, convenience and safety of the public and of any passengers carried.</td>
</tr>
</tbody>
</table>

Secretary,
Regional Transport Authority.

(Date)

............................................

Renewals.
This permit is hereby renewed upto the...................day of......................19...... subject to the following further conditions.
It is effective also up to the date, above written and subject to any conditions attached to the previous countersignature in the following regions.................................................................

Secretary,
Regional Transport Authority.

(1*) Strike out if not considered necessary.
(2*) Strike out word not required.
(3*) Here enter brief particulars, e.g. 'two trips each way daily' or ride time table appended.
(4*) Strike out if in applicable.
(5*) No reference pl.

(Countersignature)

Countersigned as required by section 65 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, (route or area)

subject to the following variation of conditions.

Secretary,
Regional Transport Authority

Renewal of countersignature

The above countersignature is hereby renewed up to the…………………. day of…………………………. 19….. subject to the following conditions:

Secretary,
Regional Transport Authority

(Date)

821
PART B
SUMMARY TO BE CARRIED ON THE VEHICLE

1. Name and address of holder.
2. Registration mark.
3. Date of expiry.
4. Conditions:
   (a) Route
   (b) Maximum number of passengers.
   (c) Fares:
      (i) Rate.
      (ii) Whether fare-table is to be displayed.
   (d) Whether time-table is to be:
      (i) observed.
      (ii) displayed.
   (e) Carriage of goods.
   (f) Use as contract carriage:
      (i) within the Region.
      (ii) outside the Region.
   (g) Other special conditions.

5. (Here paste receipt from the Regional Transport Authority for
   the payment of the fee for the permit).

Secretary,
Regional Transport Authority
(Date)

-----------------------------------
Renewal
Renewed upto........................19……..

Secretary,
Regional Transport Authority

-----------------------------------
Countersignature
(Here paste receipt from the Regional Transport Authority for the payment of
the fee for the countersignature)

Secretary,
Regional Transport Authority

-----------------------------------
Renewal of Countersignature
Renewed upto........................19……..

(Date)

Regional Transport Authority
GOVERNMENT OF WEST PAKISTAN PERMIT IN RESPECT OF A SERVICE OF STAGE CARRIAGE

PART A
(Full permit to be kept by holder)

Regional Transport Authority..............No. P. St. S....................
1. Name of holder...............................................................................

2. Father’s Name...............................................................................

3. Address.................................................................................

4. Route Area for which the permit is valid

(The entries above are subject to the condition is entry 16 below).

5. Registration marks of vehicles to be used on the service-

<table>
<thead>
<tr>
<th>Serial</th>
<th>Registration Marks</th>
<th>Make</th>
<th>Model</th>
<th>Seating capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:- If the number of vehicles is greater, additional paper may be used for the purpose.

Note:- The registration numbers equal to the number of B parts issued for the particular route including the reserve fleet required under rule 78 (d) of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973 shall be entered.
6. Date of expiry.


8. Particulars of time-table to be observed, if any.

9. Whether goods may be carried on any or all of the vehicles solely or in addition to passengers, and the conditions subject to which goods may be so carried.

10. A larger number of passengers than the number specified in the certificate of registration or exhibited on the vehicle in compliance with rule 33 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973 shall not be carried in any of the vehicles at any one time.

11. A conductor shall be carried on the vehicles at all times when they are in use as (stage carriages or contract carriages*).

12. Whether the fare-table is to be exhibited on the vehicles...............

13. Whether the time-table is to be exhibited on the vehicles.............

14. The records to be maintained and the dates on which returns are to be made to the Transport Authority.

15. This permit shall to the extent specified in entry 9 above be deemed to be a public carriers permit.

16. Not more than..............vehicles of the service may be used by the holder of the permit as contract carriages within the areas herein under specified and subject to the following conditions..................

17. When the vehicles are not in use they shall not be halted in any public place except at a stand or parking place appointed by a competent authority under section 77 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971.

18. (1) A vehicle of the service permitted by entry 16 above to be used as a contract carriage may be used as such outside the area
specified in entry 16 above or other area or route in respect of which this permit has been countersigned that on each occasion when the holder of the permit seeks so to use a vehicle he obtains a special pass from the officer in charge of the tehsil or sub-tehsil in which he has his principal place of business or other authority appointed by the Regional Transport Authority for the purpose.

(2) No special pass shall be made valid for more than one outward and return trip and not more than one special pass shall be issued at any one time, nor shall any special pass allow the holder to enter into an engagement with a fresh hirer in respect of the return journey.

(3) A special pass shall be in such form as the Provincial Transport Authority may direct, and a fee shall be payable therefor as laid down in rule 68 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973.


20. Other special conditions.

21. This permit does not entitle the holder to use any vehicle belonging to the service as a stage carriage on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of stage carriages permitted to operate thereon, unless the road is specially mentioned in entry 4 above.

22. This permit does not entitle the holder, except to the extent indicated here to use any vehicle belonging to the service as a contract carriage or as a goods vehicle on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of contract carriages or goods vehicles, as the case may be, permitted to operate thereon............
23. The holder of this permit shall exercise such supervision over the works of his employees as is necessary to ensure that the vehicle is operated conformably, with the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971 and the rules made thereunder and with due regard for the comfort, convenience and safety of the public and of any passengers carried.

Secretary,

(Date) Regional Transport Authority

........................................

Renewals.

This permit is hereby renewal upto the............day of.........19......subject to the following further conditions:-


It is effective also up to the date above written, and subject to any conditions attached to the previous countersignature, in the following regions.


Secretary,

(Date) Regional Transport Authority

........................................

Countersignature

........................................Transport Authority............No. P. St. 8..............

Countersigned for (Route Area).................Subject to the following variation of conditions:-


Secretary,

(Date) Regional Transport Authority

........................................

Renewal of countersignature

Countersignature is hereby renewed upto the........day of..... 19...


Secretary,

(Date) Regional Transport Authority

........................................
PART B

SUMMARY TO BE EXHIBITED ON EACH VEHICLE (1*)

Regional Transport Authority.................................................................
Stage carriage Service Permit No. St. S..............................................(2*) 1.
Name and address of holder.................................................................

(1*) One copy of the summary to be issued for each vehicle covered by the permit.
(2*) Here enter the number of the permit and, in brackets, the serial number up to the total number of vehicles.

2. Registration marks of vehicles permitted to be used against this permit.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Registration Marks</th>
<th>Make</th>
<th>Model</th>
<th>Seating Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>4.</td>
<td></td>
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<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:- The registration numbers equal to the number of B part permits issued for the particular route including the reserve fleet required under rule 78 (d) of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973 shall be entered. If the number of vehicles is greater, additional paper may be used for the purpose.

3. Route or area:-
(i) In the region of issuing authority.................................
(ii) In other regions............................................................

4. Date of expiry...............................................................................

5. Conditions:
(a) Carriage of goods.................................................................
(b) Use as a contract carriage:-
   (i) within the region......................................................
   (ii) outside the region....................................................
(c) Fares:
   (i) Rate.................................................................
   (ii) Whether fare-table is to be displayed......................
(d) Time-table.................................................................
   (i) to be observed......................................................
   (ii) to be displayed....................................................
(e) Other special conditions....................................................

827
6. (Here paste receipt from the Regional Transport Authority for the payment of the fees for the permit).

Secretary,
(Date)         Regional Transport
Authority

Renewals

Renewed upto............. 19....

Secretary,
(Date)         Regional Transport
Authority

Countersignature

Regional Transport Authority..................................................
No. P. St. S.................................................................
Countersigned for..........................................................
Subject to.................................................................
(Here paste receipt from the Regional Transport Authority for the payment of the fee for the countersignature).

Secretary,
(Date)         Regional Transport
Authority

828
Renewal of countersignature
Countersignature renewed upto..........................19......

Secretary,
Regional Transport Authority

(Repeat countersignature and renewal of countersignature)

Note:- Forms P.St. S.- Part A Entry 4-One form should be used for a single route or area or for connected routes. Otherwise different permits should be granted for different routes or areas.

Part B- Entry 3-The summaries should reach refer to one vehicle only be capacity, but not to a particular vehicle by registration mark.
FORM P. Co. P.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR CONTRACT CARRIAGE PERMIT

PART A

(Full permit to be kept by the holder)

No. P. Co. P.…………..

Regional Transport Authority.................................................................

1. Name of holder..........................................................................................

2. Father’s Name.........................................................................................

3. Address....................................................................................................

4. (1) Registration mark..............................................................................

   (2) The vehicle is held under a hire purchase agreement with.......................

5. Maximum number of passengers which may be carried at any one time...................................................

6. Route for which the permit is valid........................................................

   Area........................................................................................................

7. (In the case of a motor cab only)- The headquarters of the vehicle shall be the district area of...........................

   No passenger shall be taken into the vehicle at any place outside the district area mentioned unless he applies and contracts to be carried the whole way from that place to some point in the said district area.

8. (In the case of a contract carriage other than motor cab)- (1) The vehicle may be used as a contract carriage outside the areas specified in entry 6 above or other area in respect of which this permit has been countersigned, provided that on each occasion when the holder of the permit seeks so to use the vehicle he obtains a special pass from the officer in charge of the tehsil or sub-tehsil in which he has his principal place of business or other authority appointed by the Regional Transport Authority for the purpose.
(2) No special pass shall be made valid for more than one outward and return trip and not more than one special pass shall be issued at any one time, nor shall any special pass allow the holder to enter into an engagement with a fresh hirer in respect of the return journey.

(3) A special pass shall be in such form as the Provincial Transport Authority may direct, and a fee shall be payable therefore as laid down in rule 68 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973.


9. Date of expiry...........................19...........

10. Rate of fare per mile (In the case of a motor cab only).

11. Whether a taxi meter is to be fitted and (if so) the type, (in the case of a motor cab only).................................................................


13. Any other conditions.

14. Records to be maintained and the date on which returns are to be made to the Transport Authority.

15. This permit does not entitle the holder to use the vehicle herein described as a stage carriage.

16. Under the provisions of rule 69 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973, this permit is valid also in the regions and subject to the conditions set forth below:-

<table>
<thead>
<tr>
<th>Region</th>
<th>Route Area</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

831
17. This permit does not entitle the holder, except to the extent indicated here, to use the vehicles on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of contract vehicles permitted to operate thereon.

18. The holder of this permit shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated conformably with the provisions contained in the J&K Motor Vehicles Ordinance, 1971 and the rules made thereunder, and with due regard for the comfort, convenience and safety of the public and of any passengers carried.

Secretary,

(Date) Regional Transport Authority

Renewals

This permit is hereby renewed upto the…………day of….19…. Subject to the following further conditions:-

It is effective also upto the date above written and subject to any conditions attached to be previous countersignature in the following regions:-

Secretary,

(Date) Regional Transport Authority

832
PART B

SUMMARY TO BE EXHIBITED ON THE VEHICLE

Regional Transport Authority......................................................... Contract carriage
Permit No. P. Co. P.................................................................

1. Name and address of holder...........................................................

2. Type of vehicle..............................................................................

3. Registration mark...........................................................................

4. Date of expiry................................................................. 19……..

5. Conditions:-
   (a) Route area........................................................................
   (b) Maximum number of passengers.................................
   (c) Fares:-
      (i) Rate....................................................................
      (ii) Whether fare-table to be displayed....................
   (d) Type of taximeter, if any...................................................
   (e) Any other conditions.........................................................

6. (Here paste receipt from the Regional Transport Authority for the payment of
   the fee for the permit)

Secretary,

(Date) Regional Transport
Authority

-------------------------------------
FORM P. Pr. C.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR PRIVATE CARRIERS PERMITS

PART A

(To be kept by the holder)

Regional Transport Authority..............................................................

No. P. Pr. P.………………..

1. Name of holder..............................................................................

2. Father’s name (in the case of an individual).................................

3. Address...........................................................................................

4. Area for which permit is valid..............................with the exception of the following roads:-

5. Type and capacity of vehicles, including trailers and the alternative trailers of articulated vehicles.

<table>
<thead>
<tr>
<th>Number of Vehicles</th>
<th>Type</th>
<th>Load capacity Lbs</th>
<th>Laden weight</th>
<th>Registration marks</th>
</tr>
</thead>
</table>

6. Nature of goods to be carried..............................................

7. Date of expiry.................................................................

8. Records to be maintained and the date on which returns are to be made to the Transport Authority..............................................


10. Conditions.............................................................................
11. Under the provisions of rule 69 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973, this permit is valid also in the regions and subject to the conditions set below:

<table>
<thead>
<tr>
<th>Regions</th>
<th>Route Area</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. The holder of this permit shall exercise such supervision over the word of his employees as is necessary to ensure that the vehicle is operated conformably with the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971 and the rules made there-under, and with due regard for the comfort, convenience and safety of the public.

Secretary, Regional Transport Authority

Renewals
Renewed up to.................19......subject to

Secretary, Regional Transport Authority

COUNTER SIGNATURE

Transport Authority................................................
No. P. Pr. C..........................................
Countersigned for the area of...................................subject to the following variation of conditions..........................................................

Secretary, Regional Transport Authority

Renewal of countersignature
The above countersignature is hereby renewed upto the........ day of......................19.........subject to the following conditions

........................................................................................................

Secretary,
(Date) Regional Transport Authority
........................................................................

PART B

SUMMARY TO BE EXHIBITED ON EACH VEHICLE

Regional Transport Authority............................................. Private carriers permit No. P. Pr. C.........................................(1*)

1. Name and address of holder........................................................

2. Registration mark........................................................................

3. Date of expiry..............................................................19..........  

4. Conditions:-
(a) Area of validity...........................................................
(b) Nature of goods which may be carried..............................
(c) Other special conditions.................................................

5. (Here paste receipt from the Regional Transport Authority for the payment of the fee for the permit).

Secretary,
(Date) Regional Transport Authority
........................................................................

Renewals
Renewed upto........................................... 19..........subject to........
Also valid in...................................................

Secretary,
(Date) Regional Transport Authority
........................................................................

836
Countersignature

Countersigned for the region of................................. subject to............................................
(Here paste receipt from the Regional Transport Authority for the payment of the fee for the countersignature.

Secretary,
(Date) Regional Transport
Authority

Renewal of countersignature
Countersignature renewed upto.................................19.....

Secretary,
(Date) Regional Transport
Authority

(1*)Here enter permit number and serial numbers upto the total number of vehicles. Add the letter 'T' in the case of those copies referring to trailers.
FORM P. Pu. C.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR PUBLIC CARRIER'S PERMIT

PART A

(Full permit to be kept by the holder)......................................................... Regional Transport Authority.

No. P. Pu. C.………………

1. Name of holder……………………………………………………

2. Father’s Name……………………………………………………

3. Address……………………………………………………………

4. Route/Area for which permit is valid……………………………

5. Type and capacity of vehicles, including trailers and the alternative trailers of articulated Vehicles.

<table>
<thead>
<tr>
<th>Number of vehicles</th>
<th>Type</th>
<th>Load capacity Lbs.</th>
<th>Laden weight Lbs.</th>
<th>Registration marks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:- Of the above the vehicles described below by their registration marks are held under a hire-purchase agreement with..........

6. Date of expiry……………………………………...19......

7. The records to be maintained and the dates on which returns are to be made to the Transport Authority.

8. The fees payable for this permit shall be paid on the due dates laid down in rule 70 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973).
9. Conditions..................................................................................................................

10. The vehicle(s) authorised by this permit may be used by the holder as a private
    carrier within the area of................................. for the purpose of carrying the
    following goods.................................

    Vehicles Rules, 1973, this permit is valid also in the regions and subject to the
    conditions set out below-

<table>
<thead>
<tr>
<th>Region</th>
<th>Route/Area</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. This permit does not entitle the holder, except to the extent specified here, to
    use the vehicle on and road in respect to which the Regional Transport
    Authority concerned may have made an order limiting the number of transport
    vehicles permitted to operate thereon..............................................................

13. The holder of this permit shall exercise such supervision over the work or his
    employees as is necessary to ensure that the vehicle is operated conformably
    with the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, and the
    rules made there-under, and with due regards for the comfort, convenience and
    safety of the public.

                  Secretary,
                  (Date) Regional Transport
                  Authority
                  ..............................................

Renewals

Renewed upto...............19........subject to......................
Also valid in.................................................................

                  Secretary,
                  (Date) Regional Transport
                  Authority
                  ..............................................
Countersignature

.......................................................Transport Authority

No. P. Pu. P.............................

Countersigned for the area of............................................................

Subject to........................................................................................

Secretary,

(Date) Regional Transport
Authority

.....................................................

Renewals of countersignature

The above countersignature is hereby renewed upto the............. day

of....................19........subject to the following conditions..............

Secretary,

(Date) Regional Transport
Authority

PART B

SUMMARY TO BE CARRIED ON THE VEHICLE

.....................................................Regional Transport Authority public
carrier’s permit No. P. Pu. C............................(1*)

1. Name and address of holder...........................................................

2. Registration mark...........................................................................

3. Route or area...................................................................................

4. Date of expiry.........................................................19....................

5. Conditions.......................................................................................

6. Also as a private carrier for....................................................in the area

of.......................................................................................

7. (Here paste receipt from the Regional Transport Authority for the payment of

the fee for the permit).

Secretary,

(Date) Regional Transport
Authority

840
Renewals

Renewed upto........................................19..............subject to.........................
Also valid in............................................................................................................

Secretary, Regional Transport Authority
(Date) ..................................................

Countersignature

Countersigned for the region of......................subject to.........................
(Here paste receipt from the Regional Transport Authority for the payment of
the fee for the countersignature).

Secretary, Regional Transport Authority
(Date) ..................................................

Renewals of countersignature

Countersignature renewed upto............................19......................

Secretary, Regional Transport Authority
(Date) ..................................................

(1*) Here enter permit No. and serial numbers upto total. Add the letter ‘T’ in the case of these copies referring to trailers.

841
FORM P. TEM.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR TEMPORARY PERMIT

-------------------------------------------Regional Transport Authority
No. P. Tern..................................

1. Name of holder.................................................................

2. Father’s Name...........................................................................

3. Address....................................................................................

4. Type of vehicle........................................................................

5. (i) Registration mark:-
(ii) Laden weight:-

6. Purpose for which the vehicle is permitted to be used...............

7 (a) Route or area for which the temporary permit is valid:-
(1) Within the region.................................................................
(2) Outside the region..............................................................
(b) In the case of a passenger vehicle the maximum number of
    passengers which may be carried at any one time.................
(c) Whether a conductor must be carried.................................
(d) Whether the vehicle may be used for the carriage of goods in place of
    passengers...........................................................
(e) Fares:-
(1) Whether rates prescribed...............................................
(2) Whether fare table to be displayed.................................
(f) Time table:-
  (i) to be observed.............................................................
  (ii) to be displayed............................................................
  (g) Restrictions on the type of goods which may be carried........
(h) Any other conditions...........................................................

8. Date of expiry.................................................................19.....................
9. This permit does not entitle the holder, except to the extent indicated here, to use the vehicle on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of transport vehicles permitted to operate thereon.

10. The holder of this permit shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicles is operated conformably with the Azad Jammu and Kashmir Motor vehicles Ordinance, 1973, and the rules made thereunder, and with due regard or the comfort, convenience and safety of the public and of any passenger carried.

Secretary,
(Date) Regional Transport Authority

..................................................  

Countersignature if necessary

.................................................. Regional Transport Authority
No. P. Tem...............................  

Countersigned for the region of................................subject to the following conditions.................................................................

Secretary,
(Date) Regional Transport Authority

..................................................  

FORM P.S.


SPECIAL PASS

1. Name of holder.................................................................

2. Registration number of vehicle...........................................

3. Number of permit and Issuing Authority..............................

4. Name of hirer......................................................................

5. Starting point......................................................................

6. Destination.........................................................................

7. Routes to be followed on out ward and return journey.............

8. Purpose of journey...............................................................

9. Number of passengers and the weight of their personal luggage to be carried.................................................................

10. Amount of fees paid............................................................

11. Valid from..........................................................to......................

Issued at........................................................... Dated..........................

Issuing officer

Note- (1) This pass is valid only for one out ward and return trip and does not entitle the holder to enter into an engagement with fresh hirer for the return journey.

Note- (2) Pass should issue only in respect of vehicle holding contract carriage permit or stage carriage permit which enables, the vehicle to ply as a contract carriage also and should not be valid for a longer period than is necessary to enable the applicant to fulfill his agreement with the hirer of the vehicle.
APPLICATION TO PAY PERMIT FEE

I.........................................hereby tender (Name and permanent address of the owner) Rs...........................in Judicial Stamps as the installment of permit fee on motor vehicle No.......................for the period.....................

Signature of Thumb-impression of the owner or agent.

Checked and stamps destroyed Seal and (initial or Stamp Auditor)

Judicial stamps or other receipts to be affixed here.
FORM R. P. F.

(Rule 70 (7) of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973),

AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR RECEIPT OF A PERMIT FEE

Book No....................................Receipt No.................................................

1. Number of permit or countersignature..............................................

2. Issued by the Regional Transport Authority.................................

3. Name and address of holder...........................................................

4. Date of payment..............................................................................

5. Amount paid..................................................................................

6. Date on which next payment is due..............................................

(Date) Regional Transport Authority
____________________________
____________________________

To be completed in triplicate by carbon process.
FORM L.P.R.


REGISTER OF LOST PROPERTY TO BE MAINTAINED BY A STATE CARRIAGE PERMIT HOLDER

Name of permit holder…………………………………………………….

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of driver conduct or with stage carriage</th>
<th>Identification mark and other particulars of articles</th>
<th>Date and place of recovery</th>
<th>Date of deposit</th>
<th>Signature of permit holder/agent</th>
<th>Date of signature of claimant on receipt</th>
<th>Date of transfer of unclaimed property to police station with police daily diary No. receipt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

_________
FORM L. Con.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR CONDUCTOR’S LICENCE

Name..................................................................................................................

Son of..............................................................................................................

of (present address)....................................................................................

permanent address)....................................................................................

Photograph

Duplicate signature or thumb-impression of applicant, from Form L. Con.

Is licensed as a conductors and has been issued conductor badge

No.------------------------

(Date) Licensing Authority.

------------------------
FORM L. Cont. A


FORM OF APPLICATION FOR A CONDUCTORS LICENCE

1. Name...............................................................................................

2. Name of Father................................................................................

3. Present address................................................................................

4. Permanent address........................................................................ not
   previously held a conductors licence.

5. I have............................................................................................. Previously
   held a conductors licence issued by
   ........................................................................................................

6. I am not disqualified for holding a conductor's licence.

7. I hereby declare that I am not less than eighteen years of age and that the above
   statements are true. I attach two copies of a receipt photograph of myself.

   (Signature or thumb-impression)
   of applicant.

   Date

   _________________________________________

   Licence No........... (expiring on the..............19.............. and Badge
   No...................... issued.

   (Date) Licensing Authority.

   .........................

849
FORM OF MEDICAL CERTIFICATE FOR A CONDUCTOR

(To be filled in by a registered medical practitioner)

1. Name of person examined..............................................................

2. Father’s name................................................................................

3. Apparent age................................................................................

4. Is the person examined, to the best of your judgment, fit physically and mentally to perform the duties of a conductor of a stage carriage.

5. Does he show any evidence being of abdicated to the excessive of alcohol or drug?

6. Marks of identification...................................................................

I certify that the person examined has affixed his signature or thumb-impression hereto in my presence and that to the best of my knowledge and belief the above statements are true and that the attached photograph is a reasonably correct likeness of the person described.

Signature or thumb-impression
of person examined.

Space of photograph

Signature..............................
Designation...........................

850
FORM T.A.P.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR TICKET AGENT'S PERMIT

The holder of this Document..........................................................

(Name and full particulars of holder)................................. has been
authorised to act as my/our agent for the sale of tickets in the Public Service
Vehicles operated by me/us.

(Place) (Person or company giving the (Date)
the authorisation).

________________________________________________________

Badge No. District    District.

The holder

(Name)

having been authorised as above, is hereby licensed to act as an agent for the sale
of tickets throughout the district or other area of validity subject to the conditions

(Date)    Licensing
Authority...............District.

________________________________________________________

Renewals
Renewed. Valid upto the..............................19...........

(Date)    Licensing
Authority...............District
FORM B. B. L.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR MOTOR VEHICLES BODY-BUILDERS LICENCE

No. B.B.L………………………… is/are hereby permitted to build bodies for Public Service and goods vehicles with effect from.................................................. for a period of......................subject to the following conditions:-

(1) This licence shall be prominently displayed at the premises.

(2) The premises and the work being carried on therein shall be subject to inspection at any time by the following officers:

(i) .................................................................

(ii) .................................................................

(iii) .................................................................

(iv) .................................................................

(v) .................................................................

(vi) .................................................................

(vii) .................................................................

(3) No Motor Vehicle’s body shall be constructed save in accordance with the designs, specifications and instructions issued from time to time by the Provincial Transport Authority.

(4) The holder shall deal with all correspondence with government promptly and shall complete and submit returns as directed by the Provincial Transport Authority or any officer authorised by him in this behalf.

Chairman/Secretary Provincial/Regional Transport Authority.

Dated.......................... ……………………………….

852
FORM B.B.L.A.

(Rule 172 (3) of the Azad Jammu and Kashmir

AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR APPLICATION IN RESPECT OF A MOTOR VEHICLE BODY-BUILDER’S LICENCE

To
The Regional Transport Authority

……………………………………

(1) I/We................. hereby apply for a licence as an approved body-builders.

(2) My/Our body-building premises are located at .......................

(3) I/We have sufficient covered/uncovered accommodation to accommodate........................................ with adequate fire protection of............fire extinguishers, and............fire buckets containing water and............fire buckets containing sand.

(4) I/We have qualified skilled labour consisting of-
(a) Carpenters.................................................................
(b) Tinsmiths.................................................................
(c) Welders.................................................................
(d) Painters.................................................................
(e) Draftsmen...........................................................

(5) I/We have the following machinery and tools:-
(a) ...................................................................................
(b) ...................................................................................
(c) ...................................................................................
(d) ...................................................................................
(e) ...................................................................................
(f) ...................................................................................
(g) ...................................................................................

853
(6) I/We agree to construct bodies in accordance with the instructions issued from time to time by authorised officers and in strict compliance with the conditions of the licence.

Signature of
Person/persons firms.

Dated.....................
FORM F. A. P.


Serial Number
Name of the Goods forwarding Agency
Licence No

PERMIT FOR LOADING OF GOODS

Motor Vehicle No............is hereby authorised to load ....................................................
goods
belonging to............................................................ from .................
on..........................at...............; Seat of Forwarding Agency

For (Name of Goods Forwarding Agency)

Place...........................................
Date............................................

*Give brief description of goods in the margin.
FORM F.A.P.U.

(Rule 222 (1) of the Azad Jammu and Kashmir

Serial Number......................
Name of the Goods Forwarding Agency....................................................
Licence No..........................

PERMIT FOR UNLOADING OF GOODS

Motor Vehicle No..............is hereby authorised to unload......................*goods
belonging to...............................................from...................on.....................at.................Seat of Rorwarding Agency

For (Name of Goods Forwarding Agency)

Place...........................................
Date............................................

________________________________________________________
*Give brief description of goods in the margin.

________________________________________________________
FORM STAND A

(Rule 228 of the Azad Jammu and Kashmir

AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR ORDER PERMITTING A SITE TO BE USED AS A STAND OF CLASS

Permission is hereby given for the land described below to be used as a General Stand for Stage Carriages and other Transport Vehicles, under arrangements to be made by or under the orders of Government.

2. This order is made under sub-rule (2) of rule 228 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973) and shall remain effective for a period of............year (s) unless previously revoked.

Secretary
Regional Transport Authority
(Date) ...........................................

1. Description of the land included in the Stand, with particulars of the owners of the land of any buildings there on.

2. Maximum number of vehicles which may be admitted to the Stand at any one time.

3. Fees shall be chargeable at the Stand at the following rates.

4. Other conditions.

________________________________________________________

RENEWALS

The order is hereby renewed for a further period extending upto the……………………..19………………….

Secretary
Regional Transport Authority
(Date) ...........................................

857
FORM STAND B


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR ORDER PERMITTING A SITE TO BE USED AS A STAND OF CLASS B

Permission is hereby given for the establishment, on the side described below, of a General Stand for Stage Carriages and other Transport Vehicles subject to the Provisions of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973, and the conditions prescribed below.

2. It is intended that the management of the Stand shall be entrusted by an agreement of the kind described in rule 258 of the said rules to a manager, who shall be responsible for the fulfillment of the conditions attached to this order and of all the provisions of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, and the rules that may be applicable.

3. This order is made sub-rule (2) of rule 228 of the Azad Jammu and Kashmir Motor Vehicles Rules 1973 and shall remain in force for a period of.................year (s) unless previously revoked.

Secretary
Regional Transport Authority
(Date)

1. Description of the land and buildings included in the site, with particulars of their ownership. It will be necessary for the manager to pay rent to a third party for the land or buildings. The amount so payable should be specified here.

2. Improvements which the manager should be required by the terms of his agreement to execute.

<table>
<thead>
<tr>
<th>Description of Improvements</th>
<th>Date by which the improvements are to be completed</th>
<th>Value Rs.</th>
</tr>
</thead>
</table>
3. Staff to be maintained by the manager at the Stand.

4. Records to be maintained by the manager.

5. Other special conditions to be observed by the manager.

6. Maximum number of vehicles which may be admitted to the Stand at any one time.

7. Fees shall be chargeable at Stand at the following rates.

8. Other conditions.

RENEWALS

__________________________________________________________

The order is hereby renewed for a further period extending up to the……………………….19………………….

__________________________________________________________

Secretary
Regional Transport Authority

(Date)  ...........................................

__________________________________________________________
FORM STAND C

(Rule 228 (1) and 234 (1) of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973).

AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR ORDER PERMITTING A SITE TO BE USED AS STAND OF CLASS C

1. Permission is hereby given for the land described below to be used as a General Stand for Stage Carriages and other transport vehicle under arrangements to be made by the..........................Committee of.................................subject to the conditions prescribed in Chapter VII of the Azad Jammu and Kashmir Motor Vehicles Rules 1973 and the further conditions set out below.

2. The sum agreed for the purpose of clause (c) of sub-rule (3) of rule 234 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973 is...............................................................*

3. This order is made under sub-rule (2) of rule 234 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973 and shall remain in force for a period of...................year (s) unless previously revoked.

Secretary
Regional Transport Authority

(Date)          ...........................................

________________________________________________________

* A sum not exceeding 3 percent of the gross receipts from fees at the Stand.

(1) Description of the land and buildings included in the site with particulars regarding the ownership of both land and buildings.

(2) If any part of the land was acquired by the local authority by purchase during the twenty years preceding the first year of the establishment of a Stand on the site, particulars should be given here of the amount spent by the local authority.
in acquiring it, including particulars of the interest which the local authority is paying on any sum borrowed for the purpose of acquiring the land.

(3) If any rent is being paid by the local authority to a private person for any of the land or building, give particulars;

(4) Particulars of any buildings which have been erected by the local authority on the site for the purposes of the Stand, with their approximate value and date of construction.

(5) Improvements which the local authority is authorised to carry out on the side, with the date by which each is expected to be completed.

Amount which the local authority is expected to expend on the improvements.

Rs.

(6) Minimum number of vehicles which may be admitted to the Stand at any one-time.

(7) Records to be maintained in regard to the vehicles using the Stand.

(8) Fees shall be chargeable at the Stand at the following rate.

(9) Other conditions.

RENEWALS

The order is hereby renewed for a further period extending up to the……………………….19…………..

Secretary
Regional Transport Authority

(Date) 

………………………………..
FORM STAND D


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR ORDER PERMITTING A SITE TO BE USED AS A STAND OF CLASS D

By this order (name of company or person), of whom more detailed particulars are given below, is permitted to use the land hereinafter described as a Company Stand, subject to the particular conditions herein given and to me rules contained in the Azad Jammu and Kashmir Motor Vehicles Rules, 1973.

2. No vehicles other than those belonging to the person or company in whose favour this order is made and the other vehicle specially detailed below, shall be admitted to the Stand.

3. This order is made under sub-rule (2) of rule 228 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973 and shall remain in force for a period of........................year(s), unless previously revoked.

Secretary
Regional Transport Authority

(Date) ..................................................................

________________________________________________________

1. Particulars of the persons, firm or company to whom the permission is given.

2. Description of the land and buildings included in the Stand.

3. Vehicles (other than those belonging to the person or company in whose favour the order is made) which may be admitted to the Stand.

4. Maximum number of vehicles which may be admitted to the Stand at any one time.

5. Special instructions regarding the amenities to be provided at the Stand.
6. Other conditions.

__________________________________________________________

RENEWALS

This order is hereby renewed for a further period extending upto the
..................................19................

Secretary
Regional Transport Authority

(Date) ...........................................

............................................
FORM F. A. L.


AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR ORDER PERMITTING A SITE TO BE USED FOR LOADING, UNLOADING AND HALTING OF GOODS VEHICLES

By this order (name of forwarding agency) of whom detailed particulars are given below, is permitted to use for loading, unloading or halting of motor vehicles used for the carriage of goods for hire or reward, the site hereinafter described, subject to the provisions of the Azad Jammu and Kashmir Motor vehicles Rules, 1973 and the special conditions given below.

2. This order is made under sub-rule (1) of rule 229 of the Azad Jammu and Kashmir Motor Vehicles Rules, 1973 and shall remain in force for a period of........year(s) unless revoked earlier.

Secretary
Regional Transport Authority
(Date) .................

1. Particulars of the Forwarding Agency to whom the permission is given.

2. Description of the site in question.

3. Condition under which this order is issued.

______________________________

RENEWALS

This order is hereby renewed for a further period extending upto the ....................19............... 

Secretary
Regional Transport Authority
(Date) ..................
GOVERNMENT OF PAKISTAN
TRANSPORT DEPARTMENT
NOTIFICATION
The 2nd June 1970

No T-7/35-56 (Imp.):- In exercise of the powers conferred by section 22, 43, 68 and 69 of the West Pakistan Motor Vehicles Ordinance, 1956 (West Pakistan Ordinance XIX of 1965), and in continuation of draft amendments previously published. Vide Government of West Pakistan, Transport Department notification No. T-7/35-56 (Imp.) dated the 10th April 1970, the Government of West Pakistan, is pleased to direct that in the West Pakistan Motor Vehicles Rules, 1969, the following amendments shall be made, namely:-

AMENDMENTS

1. In sub rule (2) of rule 10, for the Words “a Member, Board of Revenue, West Pakistan”, the words “the Chairman, Provincial Transport Authority” shall be substituted.

2. At the bottom of sub-rule (1) of rule 34, after the words “Signature and name of the Motor Vehicles Examiner” the following shall be added, namely:-

“Signature of the authorised person.......................................................... Seal of the licensed Automobile Workshop........................................ Licence No.................................................................”

3. In rule 35:-
   (a) In sub-rule (1), the full-stop appearing at the end of sub-clause (ii) of clause (a) shall be replaced by a colon, and thereafter the following proviso shall be added, namely:-

   “Provided that the Regional Transport Authority may authorise any licensed Automobile Workshop to perform the functions of a Motor Vehicles Examiner”.

   (b) in sub-rules (2), (5), and (13), after the words “Motor Vehicles Examiner”, the words “or a licensed Automobile Workshop” shall be added;

   (c) in sub-rules (3), (4), (7) and (8), after the words “Motor Vehicles Examiner” and the words “Examiner”, wherever
occurring, the words “or a licensed Automobile Workshop” shall be added;

(d) in sub-rule (9), the full stop appearing at the end of clause (b) shall be replaced by a colon, and thereafter the following proviso shall be added, namely:-

“Provided that the fee for the grant or renewal of a certificate of fitness payable to a licensed Automobile Workshop shall be rupees ten”.

4. After rule 35, the following new rules shall be added, namely: -

“35-A- Licensing of Automobile Workshops:- (1) Any automobile workshop may make an application in Form C.F.L.A. to the Regional Transport Authority of the area, for the grant of a licence to issue or renew a certificate of fitness of a vehicle.

(2) On receipt of application in form C.F.L.A. the Regional Transport Authority may, after such enquiry as it may deem necessary, either reject the application or grant a license in form C.F.L. on the conditions specified therein:

Provided that no such licence shall be granted unless the Automobile Workshop is of the standard laid down by the Provincial Transport Authority in this behalf.

(3) The fee for such licence shall be rupees one thousand per annum.

35-B- Suspension or cancellation of a licence for the establishment of an automobile workshop to grant and renew certificate of fitness:- (1) The Regional Transport Authority granting the licence may at any time suspend or cancel the licence in case any condition thereof is contravened by the licensed Automobile Workshop; provided that the Regional Transport Authority before passing an order for cancellation of the licence may afford the licensee an opportunity of being heard.

(2) The licence granted under rule 35-A shall, unless suspended or cancelled under sub-rule (1), be valid for a period of one year from the date of issue.
35-C-Appellate Authority—Any person aggrieved by an order passed under sub-rule (1) of rule 35-B, may within thirty days of the order prefer an appeal to the Chairman, Provincial Transport Authority, whose order shall be final.

5. In sub-rule (2) of rule 38, after the word's “Motor Vehicles Examiner” the words “or a licensed Automobile Workshop” shall be inserted.

6. For the existing rule 54, the following rule shall be substituted, namely:-

“54. Terms of appointment of Members of the Provincial Transport Authority and Regional Transport Authorities—Any Government Officer appointed as a member of Provincial Transport Authority or a Regional Transport Authority shall continue as such till such time as Government may otherwise order”.

7. In rule 55:—
(i) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) Two members shall constitute a quorum:

(ii) after sub-rule (5), the following new sub-rule shall be added, namely:-

“(6) The Chairman may, in case of an emergent meeting, dispense with the requirements of sub-rule (2) or any by-law framed under rule 57”.

8. For sub-rule (2) of rule 56, the following sub rule shall be substituted namely:-

“(2) Two members shall constitute a quorum:

Provided that the Secretary Member shall not be counted for the purposes of quorum”.

9. Sub-rules (3), (4), (5) and (7) of rule 57 shall be deleted.

10. After rule 57, the following new rule shall be added, namely:-

“57-A-Classification of routes for stage carriage permits:- The Provincial Transport Authority shall demarcate routes into “A”, “B” and “C” categories for stage carriage permits on the basis of density of traffic and condition of the roads”.

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57-B. **Restriction regarding old stage carriages:** No person shall be granted a permit in respect of:

(i) ‘A’ category route if the stage carriage owned by him is more than….years old; and

(ii) ‘B’ category route if the stage carriage owned by him is more than-years old”.

11. In rule 58, for the words “any class” the words “Contract carriage” shall be substituted.

12. Rule 59, shall be deleted.

13. Rule 60, shall be deleted.

14. Rule 61 shall be deleted.

15. In sub-rule (1) of rule 62:-
   (i) for clause (vi) the following clause shall be substituted, namely:-
   
   “(vi) power to attach to a stage carriage permit conditions under sub-section (2) of Section 50”; and
   
   (ii) for clause (x) the following clause shall be substituted, namely:-
   
   “(x) power to grant a stage carriage permit”.

16. In the proviso to sub-rule (2) of rule 63, the words, brackets and figures, “read with sub-section (6) of section 59”, shall be deleted.

17. In rule 64:-
   (i) Clause (f) of sub-rule (1) shall be deleted;

   (ii) in sub-rule (2):-
   
   (a) the words “or a temporary permit”, shall be deleted; and

   (b) the proviso shall be deleted.

18. After rule 46, the following new rules shall be added, namely:-

   “64-A. **Bank Guarantee:** For the purpose of section 49, the Bank Gaurantee in form B.G.F. shall be:-
(i) of Rs.10,000.00 in case of route permit of “A” category.

(ii) of Rs. 5,000.00 in case of route permit of “B” category.

(iii) of Rs.1,000.00 in case of route permit of “C” category.

Provided that no individual owner, firm or company shall be required to furnish bank guarantee for a sum exceeding Rs. 50,000.00”.

“64-B. Application for compensation:- (1) An application for award of compensation under section 67 shall be addressed to the Claims Tribunal of the area and shall contain the following particulars:-

(i) name, parentage and address of the person dead or injured;

(ii) date, time and place of occurrence;

(iii) registration number of the vehicle;

(iv) name of the owner, firm or company of the vehicle;

(v) details of the injuries in case of injured persons;

(vi) name of the witnesses if any;

(vii) amount of compensation claimed;

(viii) capacity of the persons making the application;

(ix) any other information connected with the occurrence and compensation.

19. In rule 65:-

(i) clause (vi) of sub-rule (1) shall be deleted; and

(ii) in sub-rule (2), the words “save in the case of temporary permit” and the words “and by the authority by which the permit is countersigned” shall be deleted.

20. For rule 67, the following rule shall be substituted namely:-

“67. Entry of registration marks on permits:- No permit shall be issued unless the registration mark of the vehicle in respect of which application for grant is made, has been entered therein.

21. Rule 68 shall be deleted.
22. In rule 69:-
   (i) for the words “Special Pass”, wherever occurring the words “Special Permit” shall be substituted; and
   (ii) in sub-rule (1) the words “or countersign” shall be deleted.

23. In rule 70:-
   (i) in sub-rule (1), for the words and figures “Subject to the provision of section 65”, the words and figures “Subject to the provision of section 55 and 57” shall be substituted; and
   (ii) for sub-rule (4), the following sub-rule shall be substituted, namely:-
   “(4)Nothing in this rule shall affect the right of holder of any public or private carrier permit to apply to any Regional Transport Authority for extension in operational area of a permit”.

24. For rule 71, the following rule shall be substituted, namely:-
   “71. Fee for permit:- (1) The following fee shall be payable for the grant and renewal of permits:-

   **FEES FOR GOODS VEHICLES**

   (Public and private carriers permits)-

<table>
<thead>
<tr>
<th>Fee for three years for the 1st region</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>..</td>
<td>100.00</td>
</tr>
<tr>
<td>Fee for three years for the 2nd Region</td>
<td>95.00</td>
</tr>
<tr>
<td>Fee for three years for the 3rd Region</td>
<td>90.00</td>
</tr>
<tr>
<td>Fee for three years for the 4th Region</td>
<td>80.00</td>
</tr>
<tr>
<td>Fee for three years for the 5th Region</td>
<td>65.00</td>
</tr>
<tr>
<td>Fees for three years for the 6th Region</td>
<td>45.00</td>
</tr>
<tr>
<td>Fee for three years for the 7th Region</td>
<td>25.00</td>
</tr>
<tr>
<td>Fee for three years for each subsequent region after the 7th Region</td>
<td>25.00</td>
</tr>
</tbody>
</table>

   (2) Fee for the permits shall paid in full in advance.

   (3) An application in Form R.P.F.A. for the payment of permit fee or the extension in operational area of a permit as the case may be, shall be made to the Regional Transport Authority issuing the permit who shall prepare a receipt in Form R.P.F. for each Part B of the permit and deliver a copy thereof to the person tendering the fee.
(4) The receipt for the last fee paid shall be attached to and displayed with Part B of the permit.

(5) If a permit holder for a transport vehicle, other than a goods vehicle has paid in advance fees for more than one year and his permit is subsequently cancelled, he shall be entitled to a refund of the amount paid, less the full fee for the first year following the date of payment and for any subsequent year which may have begun to run before the cancellation is ordered. In case of a goods vehicle the refund of amount for un-expired portion per year shall be worked by dividing the total amount of fee paid for three years by 3 and rounding of paisa 50 or above to a rupee. Fraction less than 50 paisa shall be ignored.

(6) Save as provided in the preceding sub-rule no refund of fees shall be allowed in any case where a permit is cancelled.

25. After rule 71, the following new rule shall be added, namely:—

“71-A. Refund of fee:— Where a permit ceases to be valid and stands cancelled under section 19 of the West Pakistan Motor Vehicles (Amendment) Ordinance, 1970 (Ordinance No. IX of 1970), the holder of such permit shall be entitled to the refund or re-adjustment of the fee paid for un-expired terms of the permit”.

26. Rule 72, shall be deleted.

27. In sub-rule (1) of rule 73, the words “or countersignature on a permit” shall be deleted.

28. Clause (d) of rule 79, shall be deleted.

29. In rule 80, for the words brackets and figures “clause (b) of sub-section (2) of section 50”, the words, brackets and figures “subsection (3) of section 50” shall be substituted.

30. Rules 86, 87 and 90 shall be deleted.

31. In rule 91:—

(i) for clause (ii) of sub rule (2) the following clause shall be substituted, namely:—

“(ii) the authority suspending or canceling the permit shall send intimation to any other authority in whose area the validity has been extended under rule 70”; and
(ii) in sub-rule (3), the words “to the authority or authorities by
which it may have been countersigned and” shall be deleted.

32. Clause (iii) and (vi) of sub-rule (4) of rule 92 shall be deleted.

33. In rule 93:-
   (i) for sub-rule 2), the following sub-rule shall be substituted
   namely: -
   “(2) The Regional Transport Authority shall upon receipt of an
   application under sub-rule (1), issue a duplicate permit or
   part or parts of a permit as the case may be, and after
   endorsing thereon the effect of extension of operational area
   of other authority, may intimate the effect of such
   endorsement, to such authority”; and
   (ii) In sub-rule (3):-
      (a) for the words “countersignature” appearing for the first
time, the words extension of operational area shall be
      substituted.
      (b) the words “as if it were a countersignature” shall be
      deleted.

34. For rule 94, the following shall be substituted namely:-

   “94. Variation of permits:- On an application made in writing
   by the holder of a permit, the Regional Transport Authority may
   at any time in its discretion vary the permit or any condition
   thereof imposed or attached by it:

   Provided that a stage carriage entered in a permit for a route
   shall not be allowed a change for any other route during the
   currency of the permit:

   Provided further that the Regional Transport Authority shall
   not vary a condition requiring the permit holder to carry mail
   under rule 78 without concurrence of the concerned postal
   authorities”.

35. For rule 96, the following rules shall be substituted namely:-
   “96. Appeal against orders of Regional Transport
   Authority:- The Authority (hereinafter referred to as the
   Appellate Authority) to hear and decide an appeal against the
orders of a Regional Transport Authority and Claims Tribunal contemplated by clauses (a), (b), (c), (d), (e), (f) and (g) of section 66 and section 67-E shall be the Chairman, Provincial Transport Authority, West Pakistan.

96-A. Appeal against the orders of Provincial Transport Authority:- The Authority to hear and decide an appeal against the orders of the Provincial Transport Authority shall be the Board of Revenue”.

36. In sub-rule (1) of rule 97, for the word and figure “Rule 96” the words and figures “rule 96 and 96-A” shall be substituted.

37. In sub-rule (2) of rule 119 for the word “countersignature” the words “extension in the operational area” shall be substituted.

38. In sub-rule (4) of rule 120 for the word “countersignature” the words “extension of operational area” shall be substituted.

39. In rule 122:-
   (i) In the proviso to sub-rule (1), the word “countersigning” shall be deleted.
   (ii) In sub-rule (4) for the words “countersigning” the words “extending the operational area of” and for the word “countersignature” the words “extension of” shall be substituted.

40. In sub-rule (3) of rule 124 for the words brackets and figures “sub-clause (vii) of clause (c)” the words, brackets and figures “sub-clause (vii) of clause (c) of sub-section (1)” shall be substituted.

41. In sub-rule (2) of rule 263, for the word “five” the word “eight” shall be substituted.

42. In form C.F.A. and Form C.F.R.A. for the words “The Motor Vehicles Examiner” the following shall be substituted, namely:- “The Motor Vehicles Examiner, M/s............................................ licensed Automobile Workshop............................................”.

43. At the bottom of Form C.F. Sub. after the words “signature and jurisdiction of the Motor Vehicles Examiner”, the following shall be added, namely:-
44. At the bottom of Form M.V. Ins. after the words “Motor Vehicles Examiner” the following shall be added, namely:-

“Signature of the Authorized person……………………………..
Seal of the licensed Workshop…………………………………...
Licence No......................................................................................
Place................................................................................................

45. After Form M.V. Ins., the Forms in Appendix I to this Notification shall be added.

46. For Forms P.S.T.P.A., P.St.P., P.Co.P., P.Pr.C. and P.Pu.C, the Forms in Appendix II to this Notification shall respectively be substituted.

47. Form P. Term. A. and P. TEM. shall be deleted.

48. After Form P.Pu.C.A. the Form in Appendix III to this Notification shall be added.

49. In Form P.S., for the word “Pass” the word “Permit” shall be substituted.

By order of the Governor of West Pakistan
HASAN TURAB ALI, C.S.P.
Secretary to Government of West Pakistan,
Transport Department.
APPENDIX I

FORM C.F.L.

[Rule 35-A of the West Pakistan Motor Vehicles Rules, 1969]

GOVERNMENT OF WEST PAKISTAN

Licence No……………………………

Order permitting an Automobile Workshop to issue and renew the certificate of fitness of transport vehicles under section 39 of the Ordinance.

By this order M/s........................................................................................................................................
of whom detailed particulars given below are permitted to use for the issue and renew of the certificate of fitness of transport vehicles in accordance with section 39 of the Ordinance the site hereinafter described subject to the provisions of the West Pakistan Motor Vehicles Rules, 1969 and the special conditions given below.

2. This order is made under rule 35-A of the West Pakistan Motor Vehicles Rules, 1969 and shall remain in force for a period of one year unless revoked earlier.

Secretary
Regional Transport Authority

Date………………………………………..

__________________________________________________________

1. Particulars of the Automobile Workshop to whom the permission is given........................................................................................................................................

2. Description of the site in question........................................

3. Conditions under which this order is issued..................
   (a) This licence shall be prominently displayed at the premises.

   (b) No certificate of fitness of a transport vehicle shall be issued or renewed save unless the vehicle complies for
the time being with all the requirements of Chapter-VI of the Ordinance and the rules made thereunder and the instructions issued from time to time by the Provincial Transport Authority.

(c) The holder shall furnish such returns and statements as may be considered necessary to the Chairman, Regional Transport Authority, Assistant Inspector General of Police (Traffic) or in the absence of that post to such other officer as may be specified by Provincial Transport Authority.

(d) The holder shall maintain proper record in form C.F.X. (Register) and C.H. History sheet.

(e) The premises, the work being carried therein and the record shall be subject to inspection at any time by the following officials:-

(i) Chairman Member/Secretary, Provincial Transport Authority,

(ii) Chairman/Member/Secretary, Regional Transport Authority,

(iii) Assistant Inspector General of Police (Traffic).

(iv) Superintendent of Police of the district.

(v) Any other official authorised by the Provincial Transport Authority.

RENEWALS

The order is hereby renewed for a further period extending upto the...................................... 19.....................................................................

Secretary
Regional Transport Authority

Date……………………       .. .........................................

________________________________________________________

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APPLICATION IN RESPECT OF A LICENCE TO ISSUE AND RENEW THE CERTIFICATE OF FITNESS OF TRANSPORT VEHICLES.

To
The Regional Transport Authority

(1) I/We.................................................................hereby apply for a licence as an approved automobile workshops.

(2) My/Our Automobile workshop premises are located at............................................

(3) I/We have sufficient covered/uncovered accommodation to accommodate vehicles with adequate fire protection of..........................fire extinguishers and..........................fire buckets containing water and..........................fire buckets containing sand.

(4) I/We have qualified staff technical staff consisting of:-
   (a) Automobile Engineer..............................
   (b) Automobile Engineer Diploma................
   (c) Fitters....................................................
   (d) Electricians.............................................
   (e) Carpenters.............................................
   (f) Tin-Smiths.............................................
   (g) Painters..............................................

(5) I/We have the following equipment and accessories for the inspection of Motor Vehicles:-
   (a) Inspection-pit..........................................
   (b) Inspection ramp......................................
   (c) Hydraulic ramp......................................

(6) I/We have the following machinery/tools:-
   (a) ......................................................................
   (b) ......................................................................
   (c) ......................................................................
   (d) ......................................................................
   (e) ......................................................................

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(7) I/We agree to issue and renew, the fitness certificate of transport vehicles in accordance with the provisions of the West Pakistan Motor Vehicles Ordinance, 1965, and the rules made thereunder and in accordance with the instructions issued from time to time by the Provincial Transport Authority and in strict compliance with the conditions of the licence.

........................................

(Signature of person/persons firm)

Dated........................................
| No. | Date of Inspection | Name and address of the owner | Registration No. of the Vehicle | Make and Model of the vehicle | Chassis No. | Engine No. | Type of vehicle | Carrying Capacity | Details of Defect. If any | Certificate of fitness impounded | Signature of Driver or Operator | Date upto Which passed | Fee paid | REMARKS | Signature of the authorized person of the licensed automobile workshop |
|-----|--------------------|--------------------------------|---------------------------------|--------------------------------|-------------|-----------|----------------|------------------|----------------------|--------------------------|-------------------------------|-----------------------------|----------------------|-----------|---------|-----------------------------|
| 1   |                    |                                |                                 |                                |             |           |                |                  |                      |                          |                               |                     |           |         |                                             |
HISTORY-SHEET OF A TRANSPORT VEHICLE

No……………………………
Registered No…………………... Front axle weight…………………lbs.
Class of Vehicle………………… Rear axle weight…………………lbs.
Type of body………………….. Any other axle…………………lbs.
Maker’s name………………… Inspection centre…………………
Year of manufacture………… Particulars of previous registration
Number of Cylinders……….. ………………………………………

Horse Power………………… Description and size of tyres………
Wheal Base…………………… Front axle…………………………
Chassis No…………………… Rear axle…………………………
Engine No…………………… Any other axle……………………
Unladen weight………………lbs. Particulars of gas plant, if any
Maximum laden weight…Ibs. Miscellaneous……………………
Seating capacity (including Purchase order number lease/ lend-
    driver and conductor.) chassis.

CHANGES OF OWNERSHIP

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Owner, name and address</th>
<th>Date of change of ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>6</td>
<td></td>
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</tbody>
</table>

INSPECTIONS

880
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of the Workshop</strong></td>
<td><strong>Date of Inspection</strong></td>
<td><strong>Serial No.</strong></td>
<td><strong>Reference to No. in the CFX Register</strong></td>
<td><strong>Date of expiry of certificate of fitness</strong></td>
<td><strong>Remarks regarding general condition of vehicles</strong></td>
<td><strong>Date of accident</strong></td>
<td><strong>Type of accident</strong></td>
<td><strong>Signature of the authorized person of the licensed automobile workshop.</strong></td>
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<td>w</td>
</tr>
</tbody>
</table>
FORM P.St.P.A.

[Rule 64 (1) of the West Pakistan Motor Vehicle Rules, 1969]

APPLICATION FOR A PERMIT IN RESPECT OF A PARTICULAR STAGE CARRIAGE

To
The Regional Transport Authority

In accordance with the provisions, of section 47, 48 and 59 of the West Pakistan Motor Vehicles Ordinance, 1965, I/We the undersigned hereby apply for a permit under section 44 of that Ordinance in respect of a stage carriage as hereunder-

1. Full name..............................................................................................................
2. Name of father (in the case of an individual)....................................................
3. Address..................................................................................................................
4. Route or routes or area for which the permit is desired.................................

5. Registration mark with year of manufacture and model of the vehicle..................................................

6. Seating capacity. is appended

7. A time-table........................................................................................................

will be arranged with other operators on the route.

(Alternatively)- No time table is proposed but I undertake to run the following minimum service.

8. The standard rate of fare which it is proposed to charge is..................paisa per passenger per mile.
9. Particulars of any stage carriage or contract carriage permit valid in the Province and held by the applicant in respect of:
(a) this vehicle........................................................................
(b) any other vehicle............................................with details of any route or routes over which this vehicle was operated regularly before making this application..........................

10. Particulars of any permit held by the applicant in respect of the use of any transport vehicle in West Pakistan which has been the subject of an order of cancellation ................................................

11. (i) I/We desire to use the vehicles for the carriage of goods as a public private carrier and I/We apply for a public/private carrier's permit in addition to a stage carriage permit in respects of the route, routes or area above specified.
(ii) I/We intend to carry goods of the following description………………………………………

12. I/We...............................................................desire to use the vehicle as a contract carriage within the area specified below.................................................................

13. Registration marks of the vehicle of which I am/we are the actual owner as defined in the West Pakistan Motor Vehicles Ordinance, 1965, and for which the requisite bank guarantee required under rule 64-A of the West Pakistan Motor Vehicles Rules, 1969, has been furnished.

14. I/We intend to drive the vehicle.

15. I/We desire a permit valid for the period of......................

16. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Signature or thumb-impression of applicant.
Strike out inapplicable entries or alternatives throughout.

(Date)
To be filled in the office of the Regional Transport Authority.

1. Date of receipt.
2. Decision of Chairman/Secretary.
4. Number of permit issued.

Secretary,
Regional Transport Authority.

__________________________________________________________
FORM P.St.S.A.

Application for a Permit in Respect of a Service of Stage Carriage

To
The Regional Transport Authority

In accordance with the provisions of section 47, 48 and 59 of the West Pakistan Motor Vehicles Ordinance, 1965, I/We the undersigned hereby apply for a permit under section 44 of that Ordinance in respect of a service of stage carriage as hereunder-set out:-

1. Full name............................................................................................................

2. Name of father (in the case of an individual)..............................................

3. Address..............................................................................................................

4. Route or routes or area for which the permit is desired...................

5. Registration Marks with year of manufactures and model of the vehicles which it is desired to operate at any one time under the terms of the permit.

6. Minimum number of vehicles which will be operated at any one time under the terms of the permit in the area or on any route or any part of any route, and the minimum number of daily vehicle trips.

7. The type or types of vehicles to be used on the service and the approximate seating capacity are..........................vehicles of not less than..................and no more than..............seats....................vehicles of not less than..................and not more than..............seats Vehicles of not less than..............and not more than..............seats.

8. Particulars of the time-table (s) proposed are appended.

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9. The standard rate of fare which it is proposed to charge is..................................paisa per passenger per mile.

10. Particulars of any stage or contract carriage permit valid in the province, held by the applicant, and details of the route over which or area in which the applicants vehicles were regularly operated before making this application.

..............................................................

11. Particulars of any permit held by the applicant in respect of the use of any transport vehicle in West Pakistan which has been the subject of an order of cancellation..........................................

12. Provided that sufficient passengers do not offer at any time I/we desire to carry goods in these vehicles in addition to passengers on the understanding that goods will be so carried on not more than....................of the vehicle trips on any route on any one day and that not more than.........................the accommodation for passengers in any vehicle will be replaced by goods.

13. I/We declare that not more than..................of these vehicles are or will be the subject of permits for use as contract carriages.

14. Registration Marks of the vehicles of which I am/we are the actual owner as defined in the West Pakistan Motor Vehicles Ordinance, 1965, and for which the requisite bank guarantee required under rule 64-A of the West Pakistan Motor Vehicles, Rules, 1969, has been furnished.

15. I/We desire a permit valid for.......................years.

16. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Signature or thumb-impression of applicant.

Date..............................

To be filed in the Office of the Transport Authority.

1. Date of receipt.
2. Decision by Chairman/Secretary.
4. Number of permit issued.

Secretary, Regional Transport Authority.
GOVERNMENT OF WEST PAKISTAN PERMIT IN
RESPECT OF A PARTICULAR STAGE CARRIAGE

PART A

(Full permit to be kept by holder)

No. P. St. P.......................
Regional Transport Authority..................................................(1*)

1. Name of holder...........................................................................

2. Father’s name...........................................................................

3. Address.......................................................................................

4. a) Registration mark....................................................................
   (b) The vehicle is held under a hire-purchase agreement
       with..........................................................................................

5. Maximum number of passengers which may be carried at any
   one time.......................................................................................

6. A Conductor shall be carried on the vehicle at all times when it
   is in use as a stage carriage (or contract carriage) (1*).

7. Routes Area (2*) for which the permit is valid..................

8. Date of expiry...........................................................................

9. Rate of fares, if fixed under section 45 of the West Pakistan

10. Particulars of time-table to be observed if any...........(1*)

11. Whether goods may be carried solely or in addition to passengers
    and their personal luggage, and conditions subject to which the
    goods may be so carried......................................................
12. The vehicle above described may be used by the holder of this permit as a contract carriage with the areas hereunder specified subject to the following conditions.................................

13. Whether the fare table is to be exhibited on the vehicle.......

14. Whether the time table is to be exhibited on the vehicle......

15. The records to be maintained and the dates on which returns are to be made to the Transport Authority........................................

16. When the vehicle is not in use it shall not be halted in any public place except at a sand or a parking place appointed by a competent authority under section 80 of the West Pakistan Motor Vehicles Ordinance, 1965.

17. The fees payable for this permit shall be paid on the due dates as laid down in rule 71 of the West Pakistan Motor Vehicles Rules, 1969.

18. Any other conditions..........................................................

19. This permit shall to the extent specified in entry 11 above, be deemed to be a public carrier's permit (4*).

20. This permit shall, to the extent specified in entry 12 above, be deemed to be contract carriage permit (5*).

21. Under the provisions of rule 70 of the West Pakistan Motor Vehicles Rules, 1969, this permit is valid also in the regions and subject to the conditions set out below:-

<table>
<thead>
<tr>
<th>Region</th>
<th>Route (5*)</th>
<th>Conditions Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1*)Strike out if not considered necessary.
(2*)Strike out word not required.
(3*) Here enter brief particulars e.g. “two trips each way daily”, or -vide time-table appended.
(4*)Strike out if inapplicable.
(5*)No reference please.

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22. This permit does not entitle the holder to use the vehicle as a stage carriage on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of stage carriage permitted to operate thereon, unless the road is specifically mentioned in entry 7 above.

23. This permit does not entitle the holder, except to the extent indicated here, to use the vehicle as a contract carriage or as a goods vehicle on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of contract carriages or goods vehicles, as the case may be permitted to operate thereon..............................................

24. The holder of this permit shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated conformably with the West Pakistan Motor Vehicles Ordinance, 1965 and the rules made thereunder, and with due regard for the comfort, convenience and safety of the public and of any passengers carried.

Secretary, Regional Transport Authority.

........................................

(Date)

__________________________________________________________

Renewals.

This permit is hereby renewed up to the...............day of.....19.... subject to the following further conditions:-

Secretary, Regional Transport Authority.

........................................

PART B

SUMMARY TO BE CARRIED ON THE VEHICLES

........................................Transport Authority...............P. St. P.     No........

1. Name and address of holder..............................................................................

2. Registration, mark...............................................................................................

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3. Date of expiry........................................................................

4. Conditions:-
   (a) Route.................................................................
   (b) Maximum number of passengers.........................
   (c) Fares:-
       (i) Rate..............................................................
       (ii) Whether fare-table is to be displayed....
   (d) Whether time table is to be:-
       (i) observed....................................................
       (ii) displayed..................................................
   (e) Carriage of goods..............................................
   (f) Use as contract carriage:-
       (i) within the Region....................................
       (ii) outside the Region.................................
   (g) Other special conditions.....................................

5. (Here paste receipt from the Regional Transport Authority for the payment of the fee for the permit).

   Secretary, Regional Transport Authority.
   ........................................

RENEWAL

Renewed up to........................................19.................

   Secretary, Regional Transport Authority.
   ........................................
FORM P.St. P.

[Rules 65 (1) (ii) the West Pakistan Motor Vehicles Rules, 1969]

GOVERNMENT OF WEST PAKISTAN PERMIT IN RESPECT OF A SERVICE OF STAGE CARRIAGE

PART A

(Full permit to be kept by holders).

Regional Transport Authority.......................No. P. St. S...............

1. Name of holder...........................................................................................

2. Father’s Name...........................................................................................

3. Address........................................................................................................

4. Route Area for which the permit is valid (The entries above are subject to the conditions in entry 16 below)

5. Registration mark of vehicles to be used on the service:-

<table>
<thead>
<tr>
<th>Serial.</th>
<th>Registration marks</th>
<th>Make</th>
<th>Model</th>
<th>Seating capacity</th>
</tr>
</thead>
<tbody>
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<td>1.</td>
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</table>

Note:-1. If the number of vehicles is greater, additional paper may be used for the purpose.

Note:-2. The registration numbers equal to the number of B parts issued for the particular route including the reserve fleet required under rule 79 (d) of the West Pakistan Motor Vehicles Rules 1969 shall be entered.

6. Date of expiry....................................................................................
7. Maximum and minimum fares, if fixed under section 45 of the West Pakistan Motor Vehicles Ordinance, 1965.

8. Particulars of time-table to be observed, if any.

9. Whether goods may be carried on any or all of the vehicles solely or in addition to passengers, and the conditions subject to which goods may be so carried.

10. A large number of passengers than the number specified in the certificate of registration or exhibited on the vehicle in compliance with rule 34 of the West Pakistan Motor Vehicles Rules, 1969 shall not be carried in any of the vehicles at any one time.

11. A conductor shall be carried on the vehicles at all times when they are in use as stage carriages or contract carriages.

12. Whether the fare-table is to be exhibited on the vehicle.

13. Whether the time-table is to be exhibited on the vehicle.

14. The records to be maintained and the dates on which returns are to be made to the Transport Authority.

15. This permit shall to the extent specified in entry 9 above be deemed to be a public carriers permit.

16. Not more than vehicles of the service may be used by the holder of the permit as contract carriages within the areas hereunder specified and subject to the following conditions.

17. When vehicles are not in use they shall not be halted in any public place except at a stand or parking place appointed by a competent authority under section 80 of the West Pakistan Motor Vehicles Ordinance, 1965.

18. The fees payable to this permit shall be paid on the due dates as laid down in rule 71 of the West Pakistan Motor Vehicles Rules, 1969.

19. Other special conditions.
20. This permit does not entitle the holder to use any vehicle belonging to the service as a stage carriage on any road in respect of which the Regional Transport Authority concerned may have been made an order limiting the number of stage carriages permitted to operate thereon, unless the road is specifically mentioned in entry 4 above.

21. This permit does not entitle the holder, except to the extent indicated herein to use any vehicle belonging to the service as a contract carriage or as a goods vehicle on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of contract carriages or goods vehicles as the case may be, operate thereon..............................

22. The holder of this permit shall exercise such supervision over the works of his employees as is necessary to ensure that the vehicle operate conformably with the West Pakistan Motor Vehicles Ordinance, 1965 and the rules made thereunder and with due regard for the comfort, convenience and safety of the public and of any passengers carried.

Secretary, Regional Transport Authority.

........................................

(Date)

________________________________________________________

RENEWAL

This permit is hereby renewed up to the....................day of..................subject to the following further conditions:-

Secretary, Regional Transport Authority.

........................................

(Date)

________________________________________________________

*Strike out if not considered necessary.
PART B

SUMMARY TO BE EXHIBITED ON EACH VEHICLE (1*).

Regional Transport Authority.........................................................
Stage Carriage Service Permit No. P. St. S. .................................

1. Name and address of holder..................................................

2. Registration marks of vehicles permitted to be used against this
permit.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Registration Marks</th>
<th>Make</th>
<th>Model</th>
<th>Seating capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>6</td>
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</tr>
</tbody>
</table>

Note- In this column the registration No. equal to number of B
part permits issued for the particulars route shall be entered.
If the number of vehicles is greater additional paper may be
used for the purpose.

3. Route or area:-
   (i) In the region of issuing authority.........................
   (ii) In other regions...........................................

4. Date of expiry..............................................................

5. Conditions:-
   (a) Carriage of goods...............................................
   (b) Use as a contract carriage:-
       (i) within the region.................................
       (ii) outside the region..............................
   (c) Fares:-
       (i) Rate..................................................
       (ii) Whether fare-table is to be displayed.......

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(d) Time-table:-
   (i) to be observed.................................
   (ii) to be displayed...............................  
   (iii) Other special conditions.................

6. (Here paste receipt from the Regional Transport Authority for the payment of the fees for the permit).

   Secretary, Regional Transport Authority.
   ..............................................

   (Date)

   RENEWALS

   Renewed upto.............................19............................

   Secretary, Regional Transport Authority.
   ..............................................

   (Date)

   (1*) One copy of the summary to be issued for each vehicle covered by the permit.

   (2*) Here enter the number of the permit and, in brackets the serial number up to the total number of vehicles.

   Note:-  Forms P. Sts. Part A Entry 4: One form should be used for a single route or area or for connected routes. Otherwise different permits should be granted for different routes or area.

   Part B:- Entry 3: The summaries should each refer to one vehicle only by capacity, but not to a particular vehicle by registration mark.
GOVERNMENT OF WEST PAKISTAN CONTRACT
CARRIAGE PERMIT

PART A

(Full permit to be kept by the holder).

No. P. Co. P........................................

Regional Transport Authority.................................................................

1. Name of holder....................................................................................

2. Father’s name........................................................................................

3. Address..............................................................................................

4. (1) Registration mark........................................................................

   (2) The vehicle is held under a hire purchase agreement with...........

5. Maximum number of passengers which may be carried at any one time.

6. Route area:- for which the permit is valid........................................

7. (in the case of motor cab only). The head quarter of the vehicle
   shall be the district area of.................................................................

   No passenger shall be taken into the vehicle at any place outside the
   district area mentioned unless he applies and contracts to be carried
   the whole way from that place to some point in the said district area.

8. Date of expiry..................................................19................

9. Rate of fare per mile (In the case of a motor cab only)
.............................................................................................................
10. Whether a taxi meter is to be fitted and (if so) the type. (In the case of a motor cab only). ..............................................................

11. The fees payable for this permit shall be paid on the due dates as laid down in rule 71 of the West Pakistan Motor Vehicles Rules, 1969.

12. Any other conditions..............................................................

13. Records to be maintained and the date on which returns are to be made to the transport Authority.

14. This permit does not entitle the holder to use the vehicle herein described as a stage carriage.

15. Under the provisions of rule 70 of the West Pakistan Motor Vehicles Rules, 1969, this permit is valid also in the regions and subject to the conditions set forth below:-

<table>
<thead>
<tr>
<th>Region</th>
<th>Route/Area</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

16. This permit does not entitle the holder, except to the extent indicated here, to use the vehicle on any road in respect of which the Regional Transport Authority concerned may have made an order limiting the number of contract vehicles permitted to operate therein on.................................................................

17. The holder of this permit shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated conformably with the provisions contained in the West Pakistan Motor Vehicles Ordinance, 1965 and the rules made thereunder, and with due regard for the comfort, convenience and safety of the public and of any passengers carried.

Secretary, Regional Transport Authority.

.............................................

(Date)
RENEWALS

This permit is hereby renewed up to the ...................day of.....19...subject to the following further conditions.

Secretary, Regional Transport Authority.

.................................................

(Date)

PART B

SUMMARY TO BE EXHIBITED ON THE VEHICLE

Regional Transport Authority...............................................................
Contract carriage permit No. P. Co. P....................................................

1. Name and address of holder.........................................................

2. Type of vehicle.............................................................................

3. Registration mark.........................................................................

4. Date of expiry.............................................19....................

5. Conditions..................................................................................
   (a) Route Area.................................................................
   (b) Maximum number of passengers.................................
   (c) Fare........................................................................
       (i) Rate.............................................................
       (ii) Whether fare table to be displayed............
   (d) Type of taxi meter, if any........................................
   (e) Any other conditions................................................

6. (Here paste receipt from the Regional Transport Authority for
   the payment of the fee for permit).

Secretary, Regional Transport Authority.

.................................................

(Date)
FORM P. Pr. P.

[Rule 65 (1) of the West Pakistan Motor Vehicles Rules, 1969]

GOVERNMENT OF WEST
PAKISTAN PRIVATE CARRIERS PERMIT

PART A

(_To be kept by the holders)

Regional Transport Authority……………………………………………..

No. P. Pr. C.................................

1. Name of holder……………………………………………………………….

2. Father’s name (in the case of an individual)……………………………..

3. Address………………………………………………………………………..

4. Area for which permit is valid…………………………….with the
   exception of the following roads………………………………………...
   …………………………………………………………………………….

5. Type and capacity of vehicles, including trailers and the
   articulated vehicle.

<table>
<thead>
<tr>
<th>Number of vehicles</th>
<th>Type</th>
<th>Load capacity</th>
<th>Laden Weight</th>
<th>Registration marks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Nature of goods to be carried…………………………………………

7. Date of expiry…………………………………… 19…………………..

8. Records to be maintained and the date on which returns are to be
   made to the Transport Authority………………………………………

9. The fees payable for this permit shall be paid on the due date as
   laid down in rule 71 of the West Pakistan Motor Vehicles Rules, 1969.
10. Conditions

11. Under the provisions of rule 70 of the West Pakistan Motor Vehicles Rules, 1969, this permit is valid also in the regions and subject to the conditions set out below.

<table>
<thead>
<tr>
<th>Regions</th>
<th>Route/Area</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. The holder of this permit shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated conformably with the West Pakistan Motor Vehicles Ordinance, 1965 and the rules made thereunder, and with due regard for the comfort, convenience and safety of the public.

Secretary, Regional Transport Authority.

(Date)

__________________________

RENEWALS

Renewed upto.............................subject to..................

Secretary, Regional Transport Authority.

(Date)

__________________________

EXTENSION IN OPERATIONAL AREA

Transport Authority..........................

No. P. Pr. C..........................

Extended for the area of......................subject to the following variation of conditions.................................

Secretary, Regional Transport Authority.

(Date)
RENEWAL OF EXTENSION

The above extension is hereby renewed up to the................. day of...............19……..subject to the following conditions............

Secretary, Regional Transport Authority.

........................................

(Date)

PART B

SUMMARY TO BE EXHIBITED ON VEHICLE

Regional Transport Authority.................................................................
Private carriers permit No. P. Pr. C..............................................(1*)

1. Name and address of holder.................................................................

2. Registration mark..............................................................................

3. Date of expiry..........................................................19…………...........

4. Conditions......................................................................................
   (a) Area of validity....................................................
   (b) Nature of goods which may be carried................
   (c) Other special conditions..............................................

5. (Here paste receipt from the Regional Transport Authority for the payment of the fees for the permit).

Secretary, Regional Transport Authority.

........................................

(Date)

RENEWAL

Renewed up to..........................19........... subject to...................... Also valid in..........................

Secretary, Regional Transport Authority.

........................................

(Date)
EXTENTION

.................................Transport Authority.

No. P. Pr. C......................

Extended for the region of.............................................................

Subject to.................................................................

(Here paste receipt from the Regional Transport Authority for the payment of the fee for the extension.

Secretary, Regional Transport Authority.

.............................................................

(Date)

________________________________________________________

RENEWAL OF EXTENSION

Extension renewed up to................................. 19......................

Secretary, Regional Transport Authority.

.............................................................

(Date)

________________________________________________________

(1*)Here enter permit number and serial numbers up to the total number of vehicles, Add the letter T in the case of those copies referring to trailers.

________
FORM P. Pu. C.

[Rules 65 (1) (v) of the West Pakistan Motor Vehicles Rules, 1969]

GOVERNMENT OF WEST PAKISTAN
PUBLIC CARRIERS PERMIT

PART B

(Full permit to be kept by the holder)

Regional Transport Authority……………………..
No. P. Pu. C………………………………………..

1. Name of holder……………………………………………………………

2. Father’s name……………………………………………………………

3. Address……………………………………………………………………

4. Route/Area for which permit is valid……………………………………

5. Type and capacity of vehicles including trailers and the alternative trailers of articulated vehicles.

<table>
<thead>
<tr>
<th>Number of Vehicles</th>
<th>Type</th>
<th>Load capacity Lbs.</th>
<th>Laden weight Lbs</th>
<th>Registration Marks</th>
</tr>
</thead>
</table>

Note:- Of the above vehicles described below by their registration marks are held under a hire purchase agreement with...........

6. Date of expiry……………………………………19………………

903
THE AZAD JAMMU & KASHMIR LEGISLATIVE
ASSEMBLY, SPEAKER’S ALLOWANCES & PRIVILEGES
RULES, 1973

In exercise of the powers conferred by Section 4 of the Azad Jammu and Kashmir Legislative Assembly Speaker’s (Salary, Allowances and Privileges) Act, 1971, the President is pleased to make the following rules, namely:-

THE AZAD JAMMU & KASHMIR LEGISLATIVE
ASSEMBLY, SPEAKER'S ALLOWANCES & PRIVILEGES
RULES, 1973

1. **Short title and commencement:**— (1) These rules may be called the Azad Jammu and Kashmir Legislative Assembly Speaker’s Allowances and Privilege Rules, 1973.

(2) These rules shall be deemed to have taken effect on and from the 7th day of January 1971.

2. **Definitions:**— (1) In these rules, unless the context otherwise requires:

(a) ‘Act’ means the Azad Jammu and Kashmir Legislative Assembly Speaker’s (Salary, Allowances and Privileges) Act 1971;

(b) ‘Family’ means the wife, legitimate children and stepchildren residing with and wholly dependent upon the Speaker;

(c) ‘official residence’ means the house reserved, from time to time, for use by the Speaker and includes the staff quarters other buildings, grounds appurtenant thereto;

(d) ‘President’ means the President of the Azad Government of the State of Jammu and Kashmir;

(e) ‘Public business’ means the official business in Azad Kashmir or Pakistan or special assignments given by the President, as the case may be.

(2) Other words and expressions used in these rules and defined in the Act of the Kashmir Civil Service Rules or Financial Rules
for the time being in force, shall have the meanings assigned to them in the Act or the said Rules.

3. **Allowances on taking up and laying down the office:**
   (1) The Speaker shall be entitled to claim actual expenses to the extent mentioned below from his ordinary place of residence to the seat of Government on taking up office and from the seat of Government to his ordinary place of residence on laying down office:
   
   (a) the actual travelling expenses for himself and his family;
   
   (b) the cost of transporting personal servants, not exceeding two, by the lowest class of accommodation; and
   
   (c) the cost of transporting house-hold effects, not exceeding one hundred and twenty mounds, by bus, goods train, and his personal car, if any.

   (2) No claims shall lie for any travel or transportation not performed within six months of the date of taking up or laying down office, as the case may be;

   Provided that such a claim for travel or transportation performed at any time before the publication of these rules may be entertained.

4. **Official residence:**
   For the purpose of sub-section (2) of Section 5 of the Act, the cost of maintenance of the Speaker’s official residence shall include:
   
   (i) full charges on account of water supply; and
   
   (ii) full charges for consumption of electricity subject to a maximum of Rs. 100/- per month.

5. **Travelling allowance for journeys in Azad Kashmir and Pakistan:**
   (1) Subject to the provisions made hereinafter, the Speaker traveling on public business shall be treated as First Grade Officer:

   (2) **Journey by air:** The Speaker may, if the public interest so demands, travel by air, in which case he shall be entitled:

   (a) to the actual air fare paid for himself;
(b) to the cost of transporting personal luggage up to one hundred pounds, inclusive of the free allowance given by the air company;

(c) to the cost of transporting up to one personal servant by the lowest class of accommodation by rail;

(d) to the carriage of personal luggage by rail, subject to a maximum of three mounds;

(e) to claim the actual premium paid for insuring himself for the air journey for an amount not exceeding one lac of rupees.

Note. Wherever possible, the Speaker shall purchase a return air ticket.

(3) Journey by rail: The Speaker, when travelling on public business by Railway shall be entitled:

(a) to requisition at the cost of Government:

(i) when travelling on the main lines, an ordinary first-cum-second C class carriage or B Class Tourist Car;

(ii) when travelling of the main lines, an eight-wheeled (A Class) Tourist Car;

(iii) if the vehicles specified in sub-clauses (i) and (ii) are not available, or not desired, an ordinary four berthed first class compartment or a two berthed first class air conditioned (coupe) compartment.

(b) to take his wife with himself in the reserved accommodation, without payment of any fare;

(c) to take with himself upto one personal servant by the lowest class of accommodation available;

(d) to the carriage of personal luggage upto the normal free allowance limit according to the accommodation utilized.

Note:- The Speaker when reserving accommodation in the Railway shall be required before beginning the journey, to have the number and other details of the tickets purchased for the personal traveling with him in the reserved accommodation, entered on the requisition form by the
Station Master of the Station from which the journey is to commence.

(4) **Journey by road:** (1) When the Speaker travels on public business by road between place connected by Railway and chose to forego the privileges granted under sub-rule (3) he may, where the journey is performed in a vehicle not owned or maintained by Government, draw:-

(a) traveling allowance at the rate of seventy-five paisa per mile for his own journey by road; and

(b) actual expenses of the transport of-

(i) one private servant; and

(ii) to the carriage of personal luggage upto three mounds.

(2) When traveling by a car owned or maintained by Government he shall draw one daily allowance for each day of journey or halt at the rates applicable to him.

6. **Daily Allowance during halt:** The Speaker, shall be entitled to draw a daily allowance of Rs. 15/- and Rs. 25/- for the duration of his halt in Azad Kashmir and Pakistan respectively, as the case may be.

7. **Controlling Officer:** The Speaker shall, for purposes of travelling allowance, be his own controlling officer.

8. **Medical Facilities:** The Speaker shall be entitled to medical facilities admissible in terms of the rules framed by the Government from time to time except that he and his family shall be entitled to medical attendance at his residence also.

9. **General:** (1) All reasonable precautions shall be taken to see that the official residence and furniture provided to the Speaker by Government are used by him with same care with which he would use his own property.

(2) All furniture and furnishings provided in an official residence shall be marked by the Public Works Department of the Government for the purpose of identification.
(3) When the Speaker occupies an official residence, it shall be the duty of the officer concerned of the Public Works Department, to hand over the charge of the furniture and furnishings in that residence to the Speaker or to a person authorised by the Speaker in writing according to an inventory to be drawn up and signed by that officers.

(4) when the Speaker is about to vacate the official residence he shall inform the officer concerned of the Public Works Department, and shall arrange that the furniture and furnishings of the official residence are handed over to that officer according to an inventory to be drawn up and signed by that officer. If any discrepancy is found in the inventories mentioned in sub-clauses (3) and (4), the Speaker shall be responsible to make good the loss.

(5) The officer concerned of the Public Works Department, may, from time to time, inspect an official residence, its furniture and furnishings as with the prior approval of the speaker.

10. The Speaker may draw a sum of rupees one thousand and five hundred as equipment allowance:-

(a) on first appointment as Speaker: Provided that no such allowance was received by him during the preceding ten years in a diplomatic appointment or appointment to the office of a Minister or that of a President; and

(b) after the lapse of ten years from the drawl of such amount on a previous occasion.

11. **Charge report:**- The Speaker shall not be required to sign a charge report on taking up office as Speaker or on laying down that office.

   Sd/Assistant Legal Remembrance.

THE AZAD GOVERNMENT OF STATE OF JAMMU AND KASHMIR FOREST SECRETARIAT MUZAFFARABAD

NOTIFICATION

Rules for the Demarcation of Forests (Amendment) Rules.

In exercise of the powers conferred by Section 30 of the Azad Jammu and Kashmir Government Act, 1970 read with Section 3(1) of the Jammu and Kashmir Forest Regulation, 1930, the President of Azad Government of the State of Jammu and Kashmir is pleased to substitute Sub-rule (c) of rule 6 of the Rules for the Demarcation of Forests by the following:-

“6(c) For the boundary, natural features will be chosen so far as possible and the line should be taken as near the cultivation as is conveniently possible:

Provided where the department has already left land out of boundary pillar under the previous rules that shall not be taken over by the department and the old boundary line will be observed.”

Sd/- (Abdul Hameed)
Section Officer, Forests.

No. 3523-27 date 20-10-73
PART I
GENERAL

1. **Short title and Commencement:**- (1) These rules may be called the Azad Kashmir Education Service, (Class-I Collegiate Branch) (Men’s Section) Rules 1973.

2. **Definitions:**- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-

(a) “appendix” means an appendix to these rules;

(b) “appointing authority” means the authority specified in rule 5;

(c) “Commission” means the Azad Kashmir Public-Service Commission;

(d) “Department” means the Education Department, Azad Government of the State of Jammu and Kashmir;

(e) “Government” means the Azad Government of the State of Jammu and Kashmir;

(f) “Initial recruitment” means appointment made otherwise than by promotion or transfer from another Service/Department/Post;

(g) “Recognised University” means any University incorporated by law in Pakistan/Azad Kashmir or any other University declared by Government in consolation with the Commission to be recognised University for the purposes of these rules;

(h) “Service” means the Azad Kashmir Education Service, Class-I, Collegiate Branch (Men’s Section).
PART-II
RECRUITMENT

3. **Constitution and composition of service:-** (1) The service shall comprise the posts specified in Column 2 of Appendix ‘A’ and such other posts as may be determined by Government from time to time.

4. **Eligibility:-** Only men shall be eligible for appointment to the Service.

5. **Appointing Authority:-** Appointments to the service shall be made by Government.

6. **Method of recruitment:-** Recruitment to the Service shall be made by the methods mentioned in Column 4 of Appendix ‘A’ to Rule 3.

7. **Age:-** No person shall be appointed to the Service by initial recruitment who:

   (a) In the case of the posts of Principal, Vice-Principals of Degree/Training College, Professors/Deputy Directors of Colleges/ Associate Professors is less than twenty-one years or more than forty years of age; provided that in the case of Government servants, the upper age limit shall be forty-five years.

   (b) In the case of recruitment to the posts of Assistant Professors/Principals of Intermediate Colleges is less than twenty-one years or more than thirty-five years of age; provided that in the case of Government servants, the upper age limit shall be forty-five years; and

   (c) In the case of recruitment to the posts of Lecturers, is less than twenty-one years or more than twenty-six years of age: Provided that:

   i) In the case of a person whose services under Government have been terminated for want of a vacancy the period of service already rendered by him shall for the purpose of the upper age limit under this rule, be excluded from his age.

   ii) In the case of Ex-Defence personnel, the interval between the date of their release from the Defence Forces of Azad
Kashmir including the Mujahid Force, and the date of re-employment in a civil department subject to a maximum of seven years and the whole of the period of service rendered by them in such forces shall, for the purposes of upper age limit under this rule, be excluded from their age.

8. **Qualification:** No person shall be appointed to a post in the Service by initial recruitment unless he possesses the qualifications prescribed for the post in column-3 of Appendix ‘A’.

**PART-III**

**CONDITION OF SERVICE**

9. **Probation:** (1) A person appointed to the Service against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year if appointed otherwise.

**Explanation:** Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the Service during the period of probation has been unsatisfactory, the appointing authority may notwithstanding that the period of probation has not expired, dispense with his services, if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of Probation of a member of the service, the appointing authority may subject to the provisions of sub-rule (4) confirm him in his appointment or if his work or conduct has, in the opinion of such authority not been satisfactory:-

a) in case he has been appointed by initial recruitment dispense with his services; or

b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services; or

c) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass
such orders as it could have passed during or on the expiry of the initial probationary period.

**Explanation:**

I. If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

II. If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in the Service unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If a member of the Service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4) within such period or in such number or attempts as may be prescribed by Government the appointing authority may:

a) in case he has been appointed by initial recruitment, dispense with his services; or

b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

10. **Seniority:** (1) The seniority inter-se of the members of the Service in the various grades thereof shall be determined:

a) in the case of members appointed by initial recruitment, in accordance with the order of merit as signed by the Commission: provided that persons selected for the Service in an earlier selection shall rank senior to the persons selected in a later selection; and

b) in the case of members appointed otherwise, with reference to the dates of their continuous appointment therein: provided that if the date of continuous appointment in the
case of two or more members of the Service is the same, the older Officer, if not junior to the younger officers or officers in the next below grade, shall rank senior to the younger Officer or Officers.

**Explanation:** I. If a junior officer in a lower grade is promoted to a higher grade temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

**Explanation:** II. If junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

(2) The seniority in the various grades of the Service of the members appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined: -

a) in case both the officers appointed by initial recruitment and the officer appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of officer appointed by initial recruitment and to the date of continuous appointment against such vacancy in the case of the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment;

b) in case the officer appointed by initial recruitment has been appointed against a substantive vacancy and the officer appointed otherwise has been appointed against a temporary vacancy, the officer appointed by initial recruitment shall rank senior to the officer appointed otherwise; and

c) in case the officer appointed otherwise is appointed against a substantive vacancy and the officer appointed by initial recruitment is appointed against a temporary vacancy, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

11. **Liability to transfer and serve:** Members of the Service shall be liable to transfer anywhere in Azad Kashmir.
12. **General Rules:** In all matters not expressly provided for in these rules, members of the service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to him.

13. **Relaxation:** Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned:

   Provided that wherever such relaxation involves a question on which consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

14. **Delegation:** Government may delegate all or any of its powers under these Rules to any officer subordinate to it.

15. **Power of President to safeguard rights of Government Servants:** Wherever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the Azad Kashmir, as guaranteed by any law for the time being in force, are likely to be adversely affected, the President, Azad Government of the State of Jammu and Kashmir shall make appropriate orders to safeguard the constitutional and legal rights of such person.
## APPENDIX ‘A’

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Nomenclature of the posts</th>
<th>Minimum qualification prescribed for appointment by initial recruitment.</th>
<th>Method of recruitment</th>
</tr>
</thead>
</table>
| 1.    | Principals and Vice Principals of Degree/Training Colleges, Professors and Deputy Directors of Colleges. | (a) Qualifications higher than M.A. M.Sc. requiring at least two academic years of regular study, with nine years teaching experience in a College and distinguished research work which has gained wide recognition.  
(b) Ph.D. Degree (or equivalent qualification) with seven years teaching experience in a College and distinguished research work which has gained wide recognition.  
(a) Qualifications higher than M.A./M.Sc. requiring at least two academic years of regular study with four years teaching experience in a College whether before or after acquisition of higher qualification;  
OR  
(b) Ph.D. Degree (or equivalent qualifications)  
(c) If suitable candidates with the above qualifications are not available, then candidates possessing Master’s Degree (First Division) in the relevant | (i) Forty-five percent of the vacancies by initial recruitment.  
(ii) Fifty-five percent by selection on merit with particular reference to fitness for higher responsibilities from service holding posts of Associate Professors exist. Note:- No posts of Associate Professors exist until such time there is need to create these posts; selection shall be made from among Principals of Intermediate Colleges/Assistant Professors. |
| 2.    | Associate Professors.     |                                                                         |                       |
3. **Principals of Intermediate College and Assistant Professors.**

   Subject with ten year experience whose research work has gained wide recognition.

   (a) Master’s Degree (1st Class) in relevant subject from a recognized University with five years teaching experience in a College; or

   (b) Qualification higher than M.A./M.Sc. requiring at least two academic years of regular study.

   M.A. or M.Sc. Degree (at least 2nd Division) in relevant subject) Provided that other things being more or less equal, due preference will be given to personality, distinguished sports qualifications or extra curricular activities of the candidates.

4. **Lecturers.**

   (i) Twenty-five percent by initial recruitment; and

   (ii) Seventy-five percent by selection on merit with particular reference to fitness for higher responsibilities from among members of the service holding posts of Lectures.

**EXPLANATION:-**

The ratio of direct recruitment mentioned above will apply to the posts and not to the vacancies. The share of promotion in the overall strength of the cadre shall not fall below the percentage reserved for them and that of the direct recruits shall not exceed their quota.
No. C3/GAD/ 3959-4019 /71 Dated 7-4-1971
In exercise of the powers conferred on it by sub-section ; (3) of Section 1 of the Azad Jammu and Kashmir Redemption]; and Restitution of Mortgaged Lands Ordinance, 1969 (Ordinance III of 1969) the Azad Government of the State of Jammu and Kashmir is pleased to direct that the said Ordinance shall come into force in the whole of Azad Jammu and Kashmir Territory on and from the date of publication of this Notification. 

Sd/-
(Raja Abdul Khaliq Khan)
Additional Chief Secretary.
VOLUME III: 1971-1973
OFFICE OF THE SECRETARY RAHABILITATION
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
MUZAFFARABAD
NOTIFICATION

No. /2350-58 Dated 26 June, 1971

In exercise of the powers conferred by Section 56 of Pakistan Administration of Evacuee Property Act, 1957, read with Section 18 of the said Act, as made applicable to Azad Jammu and Kashmir Territory, the Azad Government of the State of Jammu and Kashmir is pleased to revoke the Notification No. 1985-2027/68 dated 8-5-1968 and restore the Government Orders/Notifications existing immediately before it.

2. It will have immediate effect.

(RAJA ABDUL KHALIQ KHAN
T.Q.A
Secretary Rehabilitation)

In exercise of the powers conferred under section 67-A of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1970, the Azad Government of the State of Jammu and Kashmir is pleased to appoint all the Deputy Commissioners as ex-officio Claims Tribunals within their respective territorial jurisdictions, for the purpose of adjudicating upon claims for compensation under Section 67 of the said Ordinance.

(Raja Abdul Khaliq Khan)
Additional Chief Secretary.
In exercise of the powers conferred under Section 2 (I) of the Azad Kashmir Emergency Powers Act, 1958, the Azad Government of the State of Jammu and Kashmir is pleased to direct all the Commercial Banks functioning in Azad Jammu and Kashmir Territory who have received from a person Rs. 10,000/- or above in demonetized notes of Rs. 500/- and Rs. 100/- to deal as follows:

The tenderer who has surrendered total amount of more than Rs. 10,000/- but not exceeding rupees one lakh will exercise the option either to face a 'Demonetisation levy' at the following rates out of the amounts surrendered by him:

(i) on the 1st Rs. 10,000 .. Nil
(ii) on the nest Rs. 40,000 .. 30%
(iii) on the next Rs. 50,000 .. 60%

On the basis of the above rates levy would work out as under:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Levy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rs. 12,000</td>
<td>Rs. 600</td>
</tr>
<tr>
<td>Rs. 15,000</td>
<td>Rs. 1,500</td>
</tr>
<tr>
<td>Rs. 20,000</td>
<td>Rs. 3,000</td>
</tr>
<tr>
<td>Rs. 25,000</td>
<td>Rs. 4,500</td>
</tr>
<tr>
<td>Rs. 50,000</td>
<td>Rs. 12,000</td>
</tr>
<tr>
<td>Rs. 75,000</td>
<td>Rs. 27,000</td>
</tr>
<tr>
<td>Rs. 1,00,000</td>
<td>Rs. 42,000</td>
</tr>
</tbody>
</table>

2. No Income Tax, Wealth Tax will be chargeable in respect of the amount on which the demonetized levy has been paid.

3. The Committee or Committees formed by the Government for scrutiny of the tendered amount where the tenderer has exercised
this option after examining the case or cases will direct the Bank to
deduct the 'Demonetisation Levy' and pay the balance to the tenderer.
This option shall not be available to a servant or employee of any
Organization or Government.

4. The forms of applications for this option scheme issued by the Government of
Pakistan or State Bank of Pakistan will be valid in Azad Kashmir.

5. Demonetization levy when recovered by the Banks will be credited to Azad
Government of the State of Jammu and Kashmir. The Banks shall make the
deductions at the above rates on behalf of the Azad Government of the State of
Jammu and Kashmir. The Accountant General, Azad Government of the State of
Jammu and Kashmir will prescribe a new Sub-Head 'Demonetized Levy' Major
Head IV Taxes and Duties.

6. No person, who has deposited Rs. 1,000 or above but not exceeding
one lakh in demonetized notes and opts to face, scrutiny shall be paid any amount
without the No Objection Certificate issued by the Committee.

(A.M. Suharwardy)
Chief Secretary.
VOLUME III: 1971-1973

OFFICE OF THE SECRETARY MANGLA DAM AFFAIRS AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR, MUZAFFARABAD
NOTIFICATION


In exercise of the powers vested in it under Section 7 (l) of the New Mirpur Town (Allotment of land) Act, 1964, the Azad Government of the State of Jammu and Kashmir is pleased to appoint the Revenue Commissioner, Azad Government of the State of Jammu and Kashmir as an Appellate Authority instead of the District Judge, Mangla Dam to hear cases against the orders passed by the New Mirpur Town Allotment Committee.

(Raja Abdul Khaliq Khan)
TQA Secretary Mangla Dam Affairs
In exercise of the power conferred by Section 7 (3) of the Essential Services Maintenance Act, 1958, (as in force in Azad Jammu and Kashmir Territory) the Azad Government of the State of Jammu and Kashmir is pleased to empower all Heads of Departments to file a complaint against the persons found guilty of an offence under this Act.

(A.H. Suhrawardy)
CHIEF SECRETARY
NOTIFICATION.


In exercise of the powers vested in it under Section 46 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, the Azad Government of the State of Jammu and Kashmir is pleased to make the following order:-

1. That the Districts of Muzaffarabad, Poonch and Mirpur shall be the regions for the constitution of Regional Transport Authority.

2. That the Regional Transport Authority in each region shall consist of the following:-

(i) **Regional Transport Authority, Muzaffarabad.**
   (i) Deputy Commissioner. Chairman.
   (ii) A.S.P (HQ) Muzaffarabad. Member.
   (iii) Executive Engineer, P.W.D. Member.
   (iv) Deputy Collector Taxation. Member.
   (v) District Agriculture Officer, Muzaffarabad. Secretary.

(ii) **Regional Transport Authority, Poonch (Rawalakot).**
   (i) Deputy Commissioner, Poonch (Rawalakot). Chairman.
   (ii) A.S.P. Bagh. Member.
   (iii) Executive Engineer, P.W.D. Rawalakot. Member.
   (iv) Deputy Collector Taxation, Rawalakot. Member.
   (v) Assistant Director, Animal Husbandry Department Rawalakot. Secretary.

(iii) **Regional Transport Authority, Mirpur.**
   (i) Deputy Commissioner, Mirpur Chairman
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(ii) A.S.P. Kotli. Member.
(iii) Executive Engineer, P.W.D. Mirpur. Member.
(iv) Deputy Collector Taxation, Mirpur. Member.
(v) Assistant Registrar Cooperative Societies, Mirpur. Secretary.

These Regional Transport Authorities will function and exercise the powers under the said Motor Vehicles Ordinance.

The Secretaries of these Regional Transport Authorities will utilize the services of their own staff without additional remuneration.

(Raja Abdul Khaliq Khan)
TQA
Additional Chief Secretary
NOTIFICATION,

Under Government Notification No. H&P/SS/3154-3259/69 dated 26-3-1969, all kinds of strikes are illegal and punishable under section 2 of the Azad Kashmir Emergency Powers Act, 1958. Moreover, under section 5 of the West Pakistan Essential Services Maintenance Act, 1958, as adapted in Azad Kashmir any employee who abandon his employment or absents himself from duty commits an offence. Further, under section 3 of the said Act all services under the Azad Government of the State of Jammu and Kashmir are essential services. The Government have already issued a Notification vide No! N&PA-33(290)3557-3611/71 dated 17-7-1971 empowering all heads of Departments to file a complaint under section 7 (3) against any employee who is found guilty of an offence under this Act.

Sd/-
(A.H. Soharwardi)
Chief Secretary,
Azad Government of the State of J&K.
NOTIFICATION.


In partial modification of Notification No. 155-92/SL/65 dated January 23, 1965, the Azad Kashmir Government by virtue of the powers vested in it under Section 6 (2) of the Azad Jammu and Kashmir Right of Prior Purchase Act, is pleased to order that no right of prior purchase shall exist with respect to any sale of land including built up property within a radius of one mile on all sides of the Deputy Commissioner's office building at Rawalakot as the centre.

(Kh. Ali Mohammad)

Secretary to Azad Government of the State of Jammu and Kashmir,

(Law Department)
In supersession of all previous orders on the subject, the Azad Government of the State of Jammu and Kashmir is pleased to make the following order-That the following funds shall henceforth be treated as Government funds, and shall be operated centrally by the Accountant General Azad Government of the State of Jammu and Kashmir according to rules, regulations and policies laid down by the Government from time to time:-

(i) Evacuee Property Fund.
(ii) Auqaf Fund,
(iii) Compensation payable to Mangla Dam affected persons.
(iv) Mujahid Fund.
(v) Funds for Doles, Ration, Compensation and resettlement of 1965 Refugees.
(vi) Funds from Sale of Plots in New Mirpur Town.

To facilitate the day to day working of the above funds, the Accountant General shall place reasonable amounts at the disposal of the executive authorities concerned, which shall be recouped from time to time.

That the Fouji Foundation Fund and Kashmir History Committee Fund shall be treated as Semi-Government Funds and shall also be operated by the Accountant General. The above instructions shall be applicable to these funds also.

That in future, no funds operated by an officer of the Government, in his official capacity, shall be placed in any bank other than National Bank of Pakistan, and if any such funds are at present lying with any schedule bank other than National Bank of Pakistan, they shall be immediately transferred to National Bank of Pakistan. F.D.Rs shall however be transferred after maturity, so that there is no loss of interest.
That in future, no Government official shall operate any Government, Semi-Government or any other Funds in his official Capacity without the prior approval of the Finance Department.


(Masih’-uz-zaman)
Chief Secretary,
NOTIFICATION.


In pursuance of Section 58 (i) of Administration of Evacuee Property Act, 1971 as adopted by Azad Kashmir Government, the Azad Government of the State of Jammu and Kashmir is pleased to order that all evacuee funds shall vest, with the Accountant General, Azad Government of the State of Jammu and Kashmir and shall be operated by him as directed by the Government.

(Masih-uz-Zarnan)
Chief Secretary,
NOTIFICATION,

In pursuance of the provisions of Rule 27 of the Azad Jammu and Kashmir Civil Defence Rules, 1962, the Azad Government of the State of Jammu and Kashmir is pleased to authorise the A.D.M. Mirpur, Muzaffarabad and Rawalakot to exercise the powers of arrest and detention subject to the conditions laid down in the said Rules, in absence of the D.Ms, from their respective headquarters.

(Malik Abdul Aziz Khan)
Section Officer.
PROCLAMATION
No. H&P/A-33(39)71-6276-B/71 dated 23rd Nov. 1971

Whereas the critical situation has arisen due to the Indian attack on East Pakistan;
And whereas there is danger of Indian aggression against Azad Government of the
State of Jammu and Kashmir;

Now, Therefore, the President of the Azad Government of the State of Jammu and
Kashmir hereby proclaims a state of emergency in the State and declares that
immediate and effective action shall be taken to meet the situation fully.

Sd/-

(M. Masihuzzman)
Chief Secretary.
VOLUME III: 1971-1973
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
HOMF DEPARTMENT

MUZAFFARABAD.
NOTIFICATION.

In pursuance of the provisions of Section 2 (8) of the official secrets Act, 1923, the Azad Government of the State of Jammu and Kashmir is pleased to declare the places specified in the Annexure to this order as 'Prohibited places' for purposes of the said Act.

TO GOVERNMENT ORDER NO H&P/A33(l06)/6457-65/71 dated 25.11.1971.
MUZAFFARABAD DISTRICT:
1. Civil Secretariat.
2. District Courts and Deputy Commissioner's Office.
4. Azad Kashmir Radio,
8. Headquarter Jail.
9. Civil Supply Godown at Kohala.
10. -do- Depot, Muzaffarabad.
11. -do- Depot Hattian.
12. -do- Depot Rashian.
15. -do- Dudnial.
16. -do- Kel.
17. -do- Janawi.
18. -do- Treasury Athmaqam (United Bank)
BRIDGES.
20. Domel.
22. Kohorhi.
23. Patikka.
24. Dharmi.
27. Garhi Dopatta.
28. chinari.
29. Jura.
30. Bore.
31. Agar Wallah.
32. Kulian.

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| 33. Dhanni Baqalan | 34. Haitian Chinari |
| 35. Larnnian | 36. Donga Kas |
| 37. Noora-Sari | 38. Panjgran |
| 39. Arlian | 40. Dulai |
| 41. Tunnel | 42. Choon (Chhoon) |
| 43. Devalian | 44. Baili |
| 45. Langerpura | 46. Langla |
| 47. Barian | 48. Shakhot |
| 49. Dawarian | 50. Dudnial |
| 51. Sheikhbala | 52. Macral |

**POONCH DISTRICT.**

**WATER SUPPLY CITY RESERVOIR.**

<table>
<thead>
<tr>
<th>53. Water Supply Secretariat</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. District Courts and Deputy commissioner's Office</td>
</tr>
<tr>
<td>2. District Jail Pallandri</td>
</tr>
<tr>
<td>3. Sub-Jail Rawalakot</td>
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<tr>
<td>4. Treasury Pallandri (Habib Bank)</td>
</tr>
<tr>
<td>5. Post &amp; Telegraph office Rawalakot</td>
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<tr>
<td>6. Civil Supply Godovvn</td>
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<td>7. -do-</td>
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<td>20. -do- &quot;</td>
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<td>21. -do- &quot; Keller</td>
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<td>22. -do- Tata-Pani</td>
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<td>23. -do- Harighel</td>
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<td>24. -do- Dhulli</td>
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<td>25. -do- Reraa</td>
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<td>26. -do- &quot; Doba</td>
</tr>
<tr>
<td>27. -do- &quot; Kamrooti</td>
</tr>
<tr>
<td>28. -do- &quot; Dhirkot</td>
</tr>
</tbody>
</table>
WATER SUPPLY.

TREASURY
30. Treasury Rawalakot (National Bank)
31. -do- Bagh (National Bank)
32. -do- Kohotta.

BRIDGES.
33. Azad Pattan
34. Mang Gajri
35. Hajira
36. Madarpur.
37. Dara Sh-er Khan
38. Narwal.
40. "Hawaii.
41. Dhal Kot.
42. Kapa dar.
43. Aerni
44. Sehra.

DISTRICT MIRPUR.
1. District Courts and Deputy Commissioner's office.
2. Treasury Mirpur (National Bank)
3. District, Jail Mirpur.
5. Civil Supply Godown Kotli.

MANGLA DAM PROJECTS DETAILED BELOW:
(i) Mangla Bridge. (ii) Intak area,
(iii) Electric Power house (iv) Grid
(v) Out-take area (vi) Bund,
(vii) Spillway (in jheiam).
10. Jarikes Dam.
BRIDGES.
19. Rajdhani Nar.


Secretary Home.
NOTIFICATION.

In exercise of the powers vested in the Government under Section 3 (i) of the Azad Jammu and Kashmir National Service Ordinance, 1971 (Ordinance XXI of 1971) the Government is pleased to authorise the District Magistrates/Superintendents of Police of all the three Districts to require any person or Persons for civil/ Army duty when they consider it necessary or expedient for securing the defence of the State, public safety maintaining supply of essential commodities and constructions or maintenance of roads etc. by general or special order made by them in this behalf.

(Masih-uz-Zaman)
Chief Secretary.
The President of the Azad Government of the State of Jammu and Kashmir is satisfied that a grave emergency exists in which the security of the Azad Jammu and Kashmir is threatened by War and external aggression;

Now, therefore, in exercise of the powers conferred by Section 36 of the Azad Jammu and Kashmir Government Act, 1970, the President hereby is pleased to issue this proclamation of Emergency to meet effectively the situation created by the threat of War and external aggression.

This proclamation shall supersede the proclamation of Emergency issued under No. H&P/A-3(39)6276-B/71 dated 23rd November, 1971.

Sd/-
(M. Masihuzzaman)
CSP
Chief Secretary.


Whereas the Proclamation of Emergency has been issued by the President Azad Government of the State of Jammu and Kashmir;

Now, in exercise of the powers vested in him under section 37.3.(1) of Azad Jammu and Kashmir Government (Second Amendment) Act, 1971, the President is pleased to order and notify that right to move any Court for the enforcement of such of the rights as are conferred upon the citizen of the State under section 25-A, sub-section (2) clause (b) and section 25-B of the Azad Jammu and Kashmir Government Act, 1970 pending in or made before any Court for the enforcement of aforesaid rights shall remain suspended for the period during which the proclamation of Emergency is in force.

Sd/-

(M. Mass! huzza man)
CSP Chief Secretary.
In exercise of the powers vested in it under Section 46 of the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, the Azad Government of the State of Jammu and Kashmir is pleased to constitute the Regional Transport Authorities for the Districts of Muzaffarabad, Poonch and Mirpur. These Authorities shall exercise the powers and functions conferred under this Ordinance, within their respective regions.

2. The Regional Transport Authorities in each region shall consist of the following:-

**REGIONAL TRANSPORT AUTHORITY MUZAFFARABAD**
1. Deputy Commissioner. Chairman
2. Superintendent of Police. Member
3. Executive Engineer, PWD. Member
4. The Deputy Collector Taxation. Member

**REGIONAL TRANSPORT AUTHORITY POONCH**
1. Deputy Commissioner Chairman
2. Superintendent of Police. Member
3. Executive Engineer, PWD Member.
4. The Deputy Collector, Taxation. Member.

The Chairman shall nominate any of the ADM/ R.A./A.C. to function as Secretary,

**REGIONAL TRANSPORT AUTHORITY, MIRPUR**
1. Deputy Commissioner, Chairman
2. Superintendent of Police, Member
3. Executive Engineer, PWD, Member
4. Deputy Collector Taxation. Member
The Chairman shall nominate any of the ADM/R.A./A.C. to function as Secretary.

Sd/-

S. Mohammad Ibrahim Khan
Section Officer Transport.
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کہ فرقہ مراڈوگا)

7. نمایاں نہایت کے اس کا دیپاپ (سلسلہ گیری) کی اس کے لحاظ زیر نازک میں فاتحہ نے تارکیب کی۔

5. جو کہ ساخت کے نہایت کا انہال گیری خاکو فہرست میں شامل ہے۔

3. مہم رکھنے کا مختصر اکائی کا منصوبہ کا راستہ ہے کہ اس کی عالمی میں اور سولہ کی راکھا کے

1. صادق کریم

8. سیکٹر کا چکوائی گورنگ اور تیار گرو کی قدرتی اور جہیز کے ساتھ مشترکہ پین

7. ویکنگ کی بلوئیا کے کے گروہ و Sexual نہایت کے ساتھ

2. تارکیب اور بلوئیا کا مختصر کر سگا کے

4. اخبارات کا نہایت کا اور دری اور روبرو سیکٹر کے کے

5. سیکٹر کی جدول کے گرو۔

(عمراظی ایم نوین)

میوزفر ہین 5.30 20 ہر 19
NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 1 of the Azad Government of the State of Jammu and Kashmir Employees Benevolent Fund and Group Insurance Act 1971 (Act XVI of 1971), the Azad Government of the State of Jammu and Kashmir is pleased to appoint the 5th of April 1972 to be the date on which all provisions of the Act shall come into force in respect of employees as defined in the said Act.

Sd/-
(Masih-uz-Zaman)
CSP Chief Secretary Azad Govt. of the State of J&K.

OFFICE OF THE CHIEF SECRETARY, 
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT, AZAD 
GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR, 
MUZAFFARABAD. 

NOTIFICATION. 

No. S&GAD/6353-6413/CS/72 Dated 11-4-72. 
In pursuance of the provisions of Section II (2) of the Azad Kashmir Criminal 
Law Amendment Act of 1956, the Azad Government of the State of Jammu 
and Kashmir is pleased to order that the authorities empowered to accord prosecution, 
sanction on behalf of the Azad Government of the State of Jammu and Kashmir in 
respect of various grades of public Servants shall be as follows: - 

1. In respect of Public Servants The Azad Government of Gazetted 
rank. of the State of Jammu 
and Kashmir. 

2. In respect of Public Servants Authorities competent of Non-Gazetted 
rank. to appoint and remove 
them from service. 

The Government is further pleased to order that this order shall supersede Council 
Order No. 380/60 and 111/57. 
Sd/- (Abdul Khaliq Khan ) 
TQA 
Additional Chief Secretary. 

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AZAD GOVERNMENT OF THE STATE OF J&K
MUZAFFARABAD NOTIFICATION. :


Whereas the Proclamation of emergency was made by the "President Azad Government of the State of Jammu and Kashmir;
Whereas the President was pleased to suspend the Fundamental Rights of the citizens vide Government Notification No. H&P/A-32(39)/961-1030/72 dated 15-2-1972;
Whereas the President is satisfied now that the suspension of all the Fundamental Rights of the citizens provided under Government Act, 1970, is no longer in the interest of the State;

Now, therefore, in exercise of the powers vested in him under Section 37.3(l) of the Azad Jammu and Kashmir Government Act, 1970 (as amended by Government (Amendment) Act, 1971), the President in partial modification of Government Notification issued under No. H&P/A-32(39)/861/72 dated 15-2-1972 is Pleased to order and notify that from henceforth only such of the Fundamental Rights shall remain under suspension as are provided under section 25-A(a) (b) and Section 25-B (4) sub-clauses (2) and (3) and that the rest of the rights available to the citizens under Azad Jammu and Kashmir Government Act, 1970 (as amended by Government (Amendment) Act, 1971) shall be enforceable in Law Court.

Sd/-

Addl. Chief Secretarry
Azad Government of the State of J&K
Muzaffarabad.

PROCLAMATION OF EMERGENCY.
The President Azad Government of the State of Jammu and Kashmir is satisfied that a grave emergency exists in which the security of the Azad Jammu and Kashmir is threatened by war and external aggression;

Now, therefore, in exercise of the powers conferred by the Azad Jammu and Kashmir Government Act, 1970 the President hereby is pleased to issue this Proclamation of Emergency to meet effectively the situation created by the threat of war and external aggression;
This Proclamation shall supersede the Proclamation of emergency issued under No. J&P/A-33(39)-6276/B/71 dated 23rd November, 1971.

This Proclamation of Emergency was approved by the Legislative Assembly of Azad Jammu and Kashmir on the 1st day of May, 1972.
The President, Azad Government of the State of Jammu and Kashmir is pleased to appoint Mr. A.I. Osmany, Comptroller and Auditor General of Pakistan, as Honorary Auditor General Azad Government of the State of Jammu and Kashmir with effect from the date of his taking over as such. The control, administrative and otherwise, of the Audit Department, Azad Government of the State of Jammu and Kashmir (including the Accountant General) will continue to be vested in the Azad Government through its Finance Department.

Sd/-

(Abdul Khaliq Khan)

Additional Chief Secretary.

To:

1. All Secretaries to Government.
2. All Heads of Departments,


Sir,

I am directed to convey the approval of the President, Azad Government of the State of Jammu and Kashmir to the effect that the gratuity table under sub-rule 3(a) of Rule 4.4 of Azad Kashmir Civil Service Pension Rules, 1971 be substituted as under:

- If qualifying service is 10 years or more but less than 15 years.
  - Rs. 187.00
- If qualifying service is 15 years or more but less than 20 years.
  - Rs. 173.00
- If qualifying service is 20 years or more.
  - Rs. 160.00

2. This order will have effect from 1.1.1970 in case of Non-gazetted employees and 1.7.1970 in case of Gazetted Government servants.

Your obedient servant,

Sd/-
(S. Habeeb Hussain)
Secretary Finance.
NOTIFICATION.
AZAD JAMMU AND KASHMIR GOVERNMENT RULES OF 'BUSINESS 1971' (AMENDMENT)

In exercise of the powers conferred by Section 30 of the Azad Jammu and Kashmir Government Act, 1970 and all powers enabling him in that behalf, the President, Azad Government of the State of Jammu and Kashmir is pleased to direct that in the Schedule V, Par II (Administrative Powers) of "the--Azad Jammu and Kashmir Government Rules of Business, 1971, the following amendment shall be made, namely:-

In the entry in column 5, against Serial No, 3 for the words "Head of the Department" the words "officers themselevs" shall be substituted.

Sd/-

(Abdul Khaliq Khan)
TQA
Additional Chief Secretary.
NOTIFICATION.

In supersession of all orders existing on the subject and in continuation of Government order issued under No. S&GAD/12682-723/CS/71, dated 20.9.1971, the President, Azad Government of the State of Jammu and Kashmir is pleased to order that henceforth the subjects of Printing Press and Stationery Depot shall be dealt with by the Secretary Commerce and Industries instead of Secretary Development.

Sd/-

(Abdul Khaliq Khan)

TQA,

Additional Chief Secretary.

No. 6/72 Dated 18/9/72

in exercise of the powers vested in it under Section 5 of the Levy Toll Act, 1948 as continued under the Azad Kashmir Levy of Tolls Continuance Act, 1956, the Azad Government of the State of Jammu and Kashmir is pleased to exempt the following vehicles employed for carrying school students from the payment of Road Toll for one trip only:-

S.No. Vehicle No.
1. 2223 —RIC.
2. 2291—SR.
3. 2786—SA.

Sd/-
(Sh. Muhammad Sadiq)
P.A.A.S. Finance Secretary,
In exercise of the powers vested in it under section 3 (iii) of the Agricultural Census Act, 1960, the Azad Government of the State of Jammu and Kashmir is pleased to appoint all the Deputy Commissioners, Sub Divisional Magistrates and the Territorial Tehsildars as District, Sub Divisional and Tehsil Agricultural Census Officers to take, aid in or supervise the taking of the Agricultural Census within their respective jurisdiction.

This Notification shall take effect from the date it is issued.

Sd/-

(Abdul Khaliq Khan)

TQA

Additional Chief Secretary.
NOTIFICATION

In exercise of the powers vested in him under Section 37 of the Punjab weights and Measures Act, of 1941 as in force in Azad Kashmir, the President Azad Government of the State of Jammu and Kashmir is pleased to appoint all the District Magistrates as 'sanctioning authority' for their respective Districts for according prosecution sanction in respect of the offences falling under weight and Measures Act, 1941.

Sd/-

Secretary Law,
Azad Government of the State of J&K

ORDER.


Sd/-
(Manzoor Ilahi)
S.PK,SQA,CSP,
Chief Secretary

NOTIFICATION.
In exercise of the powers conferred under Sub-Section (4) of Section 3 of Azad Jammu and Kashmir Urban Immovable Property Tax Ordinance, 1973, the Azad Government of the State of Jammu and Kashmir is pleased to notify that these persons who own only one house and/or one shop occupied by themselves in the rating areas where tax is levied under the aforesaid Ordinance shall be exempt from the payment of this tax till further orders.

Sd/-
(Sh. Mohammad Sadiq)
Secretary Finance.

NO. 1526-30/73 Dated 21.5.73.
In exercise of the powers conferred under Sub-Section (1) of Section 3 of Azad Jammu and Kashmir Urban Immovable Property Tax Ordinance, 1973 and in continuation of this department notification No. FD/634-35/73 dated 28-3-1973, the Azad Government of the State of Jammu and Kashmir is pleased to declare the following towns with the limitation mentioned against each as Urban areas for the purpose of levy of property tax:-

<table>
<thead>
<tr>
<th>S.No</th>
<th>District</th>
<th>Name of town</th>
<th>Limits of the area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Poonch</td>
<td>Rawalakot</td>
<td>The area covered by one mile radius from the office of the Deputy Commissioner.</td>
</tr>
<tr>
<td>2</td>
<td>-do-</td>
<td>Palandri</td>
<td>The area covered by one mile radius from the office of Sub-Divisional Magistrate.</td>
</tr>
<tr>
<td>3</td>
<td>-do-</td>
<td>Bagh</td>
<td>The area covered by one mile radius from the Court of Sub-Judge.</td>
</tr>
<tr>
<td>4</td>
<td>-do-</td>
<td>Hajira</td>
<td>The area covered by one mile radius from the Niatat Office.</td>
</tr>
<tr>
<td>5</td>
<td>-do-</td>
<td>Abbaspur</td>
<td>The area covered by one mile radius from the Court of Sub-Judge.</td>
</tr>
<tr>
<td>6</td>
<td>-do-</td>
<td>Dheerkot</td>
<td>The area covered by one mile radius from Government Intermediate College.</td>
</tr>
<tr>
<td>1</td>
<td>Mirpur</td>
<td>Bhimber</td>
<td>The area covered by one mile radius from the Court of Sub-Judge.</td>
</tr>
<tr>
<td>No.</td>
<td>Area Covered</td>
<td>Place Name</td>
<td></td>
</tr>
<tr>
<td>-----</td>
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<td></td>
</tr>
<tr>
<td>1</td>
<td>The area covered by one mile radius from Government High School.</td>
<td>Muzaffarabad Chikar</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>The area covered by one mile radius from the Police Station.</td>
<td>Chinari</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The area covered by one mile radius from PWD Rest House.</td>
<td>Athumuqam</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The area covered by one mile radius from the Government High School.</td>
<td>Akalgarh</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>The area covered by one mile radius from the Government High School.</td>
<td>Chakswari</td>
<td></td>
</tr>
</tbody>
</table>

Sd/-
(Sh. Mohammad Sadiq)
PAAS Secretary Finance
VOLUME III: 1971-1973

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میں گاؤں کو خواہندہ کرنے چاہے تو اپنے خاندان کے لیے ادا کرے اور یہ کہ ہم گاؤں کا تحریک کر کے فوری ورست کریں۔ میں گاؤں کر کے بھی جب گاؤں کو فوری ورست کرنے سے کام لگا لیون ہے۔ ان کے لیے گاؤں کو استعمال کیا جا سکتا ہے۔

مرکزی کا استعمال میں اقا کے لیے ہو سکتا ہے کہ اسے صرف سے صرف راہینہ کے قامود پڑھ کر ہوں۔ یہ ضروری ہے کہ یہ پاکستان سے سرچل کے ذریعہ اجرا کیا جائے۔

ہیما پورن

نمبر 232/19 03-18

فیصل آباد
آزاد کردم ریاست ہائر و کسٹ مڈل آدی
مرموزی نے تاریخ یاؤں دی ہے۔

(سند)

واج ہیں ۔

(ایپلاب افٹائی)

نے ہیں مہر شریف

بی، 31373-98-88/30-73/455 مودی 1973-3-5

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آزمون کریستین گیوری ضمانت وتعیینات

کانسوس: صاحب سرمایه پنجاهم صوفی آباد

World Food Programme

عوام: طالع علی

یوکیکا کیوری سول مردن رهگیری جهان مسکن در چارچوب انجمن 25 کم در مهر 1381 که شاهدی 2 که شاهدی

چندین میان 1680 که اکثریت که چاپی در کتاب خود می‌راید "دوران سال" آن را که یک سال سه‌ماهه

رضا محدودی که باید می‌تواند زیر بنا 213 میلاد 1381 و 14 آب که می‌تواند 5 کیلو کیلو که کاس

ساده که گزارش امداد از ارگان که کاس می‌تواند 5 کیلو کیلو که کاس

خنیج

افزایش ضمانت وتعیینات

395-973 (سال) 1381-1963-26
آذاراکومس ریاست حوالہ و سیر مظفر آباد
کی بقیدت میلیت

نویسنده: چہرہ صحتون کا یکم ہمکاری کی اداکاری سے متعلق قرار یا

آذاراکومس کا فیصلہ ہے کہ آپ کا اظہار اور کا آگے ہو سکتا ہے
راغب ہے کہ اکثر کا اظہار کی اس کے بعد کا آگے ہو سکتا ہے
راغب ہے کہ کئی اظہار کی اس کے بعد کا آگے ہو سکتا ہے
راغب ہے کہ کئی اظہار کی اس کے بعد کا آگے ہو سکتا ہے

(کمیسیونر)
سہیل آفاقیہ میلیت

بھرہمیہ/6/12/20/6/3/2500 12 8 19
آزاد کوکت پیشہویہ نیوز کی لیپس سی۔

۱۹۷۱ تا ۱۹۷۳ میں

۱۶ گھنٹوں کا مدت

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چاپ کیو؟

معادل مصنوعی جوانان اور دوسرے حساب دوا_cookies رے یہ کہ جناک اور اداکرست ریاست

بنا کیوں یہ؟ اور دو_cookies کے وی آدی ریاست کا ماک کے خلاع فی الاباب جن

1. 1. مکا کمی میں بھائی کم ہوئے سے خز زینیون منے کا میاہ شدہ جوال پریس

2. 2. جمال سے کہ آری جیسے اسکی پر انت کے ووک کا شخص کو کہ لیو کی جن کے سامان ڈیکر

حد کی دو گلیاں ووک ہم ہم کی جس کے میں دی چالیس گیا۔

ہر دو کی یہ ہے، آدی کا ماک کا شخص کو اسٹی کے شمار ڈیکر جی چیک اک

اطلاعات لاگ کے

آپ کا خاکم

جعفر(گواہاکم)

کسانی آری موریمدود کے
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