

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR**

Law, Justice, Parliamentary Affairs and Human Rights Department

\*\*\*\*\*

“Muzaffarabad”

Dated: 25.06.2021

No. LD/Legis-Act/356-68/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 27<sup>th</sup> day of May, 2021 and received the assent of the President on the 15<sup>th</sup> day of June, 2021, is hereby published for general information.

**[Act XVII of 2021]**

**An**

**Act**

further to amend the Penal Code, 1860 and the Code of Criminal Procedure, 1898

**Whereas** it is expedient further to amend the Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898), as adapted and in force in Azad Jammu and Kashmir, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Criminal Law (First Amendment) Act, 2021.

(2) It shall come into force at once.

2. **Amendment of Section 289, Act XLV of 1860.**- In the Penal Code 1860 (Act XLV of 1860), as adapted and in force in Azad Jammu and Kashmir, in Section 289 following amendment shall be made,-

(a) the existing Section shall be re-numbered as sub-section (1);

(b) in sub-section (1), as re-numbered above for the words “six months” and “one thousand rupees”, the words “one year” and “twenty five thousand rupees” shall be substituted respectively;

(c) after sub-section (1), a new sub-section (2) shall be added as under:-

“(2) Where, such animal causes pain, harm, disease, infirmity or injury to any person or impairs, dismembers or disables any organ of the body or any part thereof or death of victim is

caused thereby due to negligent conduct of any person responsible to take such order as mentioned in sub-section (1), he shall be liable to punishment, prescribed in this Code, for such kind of pain, harm, disease, infirmity, injury, impairment, dismemberment, disability or death and shall also be punished with imprisonment of either description for a term which may extend to five years or with fine which may extend to two million rupees or both as Tazir.”

3. **Amendment of Code of Criminal Procedure 1898,(Act V of 1898).**-

In the Code of Criminal Procedure 1898 (Act V of 1898), as adapted and in force in Azad Jammu and Kashmir, in Schedule II, the corresponding entries against Section 289 from column 2 to 8, shall be substituted as under:-

1	2	3	4	5	6	7	8
“289	(1) A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant	Summons	Non-bailable	Compoundable	Imprisonment of either description for one year or fine of twenty five thousand rupees or with both	Magistrate of the First Class”
	(2) In case where pain, harm, disease, infirmity, injury, impairment, dismemberment, disability of any organ of the body or death of victim is caused.	Shall arrest without warrant	Warrant	Non-bailable	Not compoundable	Punishment prescribed for the kind of harm, injury, hurt or death under APC and also imprisonment which may extend upto 5 years or fine upto two million rupees or both Tazir.	Court of sessions.

-sd-  
**(Gulfraz Ahmed Khan)**  
 Section Officer (Legislation)