

**THE AZAD KASHMIR PENAL CODE (AMENDMENT)
ACT, 1953.**

(Passed under Council Order No. 182/53 dated 26-3-1953)

Whereas it is expedient to amend the Penal Code as it is in force in Azad Kashmir Territory, it is hereby enacted as follows :-

1. This Act may be called the Azad Kashmir Penal Code (Amendment) Act, 1953.
2. It shall come into force at once and shall take effect from the date the Penal Code at present in force in Azad Kashmir Territory was adopted by the Azad Kashmir Government.
3. The following shall be substituted for Section 21 of the Penal Code as it is in force in Azad Kashmir Territory :

"The words 'Public Servant' denote a person falling under any of the descriptions hereinafter following, namely :-

- First — Every Civil servant of the Azad Kashmir Government.
- Second — Every Commissioned Officer in the Military while serving under the Azad Kashmir Government ;
- Third — Every Judge.
- Fourth — Every Officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of Law and fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer oath, or to interpret, or to preserve order in the Court; and every person specially authorised by a Court of Justice to perform any of such duties ;
- Fifth — Every Juryman, assessor or member of a panchayat assisting a court of Justice or public servant.
- Sixth — Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority.

- Seventh — Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement.
- Eighth — Every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to Justice, or to protect the public health, safety or convenience.
- Ninth — Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of Government or to make any survey, assessment or contract on behalf of the Government or to execute any revenue process, or to investigate or to report, on any matter affecting the pecuniary interest of Azad Kashmir Government, or to make, authenticate or keep any document relating to the pecuniary interests of Azad Kashmir Government or to prevent the infraction of any law for the protection of the pecuniary interests of Azad Kashmir Government and every officer in the service or pay of Azad Kashmir Government or remunerated by fees or commission for the performance of any public duty.
- Tenth — Every officer whose duty it is, as such officer, to take receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or District or to make authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district.
- Eleventh— Every member of the Pakistan Army Personnel and every Pakistan Government servant in the Telegraph, Postal, Railway, Supply and Transport Department or in any other Department which the Azad Kashmir Government may, by notification hereinafter specify, who is posted and when he is performing his legitimate duties, within the Azad Kashmir Territory.
- Twelfth — Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election.
- Thirteenth—Every officer or servant employed by the Municipal Committee, whether for the whole or part of his time, and every member of the Committee.

EXPLANATION :- 1. Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

EXPLANATION :- 2. Wherever the words 'Public Servants' occur, they shall be understood of every person who is in actual possession of the situations of a public servant, whatever legal defect there may be in his right to hold that situation.

EXPLANATION:- 3. The word 'election' denotes. election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.
