

**THE AZAD JAMMU AND KASHMIR MOTOR VEHICLES
ORDINANCE, 1970**

(Ordinance XVII of 1970)

*(Passed under Government Order No. Admn/17421-68/CS/70,
Dated 11th November, 1970).*

AN ORDINANCE

*to adapt the Law relating to Motor Vehicles in
West Pakistan for Azad Jammu and Kashmir.*

WHEREAS it is expedient to adapt Law relating to Motor Vehicles in West Pakistan for Azad Kashmir with certain modifications so as to suit the conditions prevailing in Azad Jammu and Kashmir ;

AND WHEREAS an emergency has arisen which renders it necessary to make and promulgate an Ordinance to make such provision;

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

1. **Short title, extent and commencement:-** (i) This Ordinance may be called the Azad Jammu and Kashmir Motor Vehicles (Adaptation of West Pakistan Laws) Ordinance, 1970.

(ii) It shall extend to the whole of the Azad Jammu and Kashmir and shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.
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 :—

(1) The 'Principal Ordinance' means the West Pakistan Motor Vehicles Ordinance, 1965, as it stood before the amendments *vide* the West Pakistan Motor Vehicles (Amendment) Ordinance, 1970 (West Pakistan Ordinance No. IX of 1970).

(2) The 'Amending Ordinance' means the West Pakistan Motor Vehicles (Amendment) Ordinance, 1970 (West Pakistan

Ordinance No. IX of 1970).

3. The West Pakistan Motor Vehicles Ordinance, 1965, as amended upto date, is adapted and shall, as far as practicable, be in force in Azad Jammu and Kashmir Territory subject to the modifications as stated below :—

- (i) Wherever the expressions 'West Pakistan', the 'Province' or the 'Central Government' occur, the same shall be construed so as to refer to 'Azad Jammu and Kashmir'.
- (ii) All provisions relating to Road Transport Corporation shall be deemed to have been omitted.
- (iii) The expressions 'Regional Transport Authority' and the 'Provincial Transport Authority' shall be construed to refer to Azad Kashmir Transport Authority.
- (iv) Sections 48, 49 of the Principal Ordinance shall be deemed to have been retained as they stood before the amendments vide the amending Ordinance.
- (v) After section 49, the following new section 49-A shall be deemed to have been inserted, namely :-

" 49-A:- Requirements to be fulfilled before issue of a permit:

- (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 registration under the Cooperative Act and having Azad Jammu and Kashmir Territory included in its area of operation, 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 favour and proceed to grant the same to some other applicant.

(vi) Section 50 of the Principal Ordinance shall be deemed to have been retained as it stood before the amendments vide Amending Ordinance with the addition of a proviso to sub-clause (b) of clause (1) as under:—

"Provided that the Government may, whenever deemed necessary, order Azad Kashmir Transport Authority to introduce any new routes, or any number of additional permits for an existing route and grant the same to any particular party or the parties."

A sub-section (3) shall be added, namely:—

"(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.
- (vii) Clause (c) of section 51 of the Principal Ordinance shall be deemed to have been retained as it stood before the amendments vide Amending Ordinance.
- (viii) Section 59 of the Principal Ordinance shall be deemed to have been retained as it stood before the amendments vide Amending Ordinance.
- (ix) In section 60 of the Principal Ordinance, for sub-section (1), the following sub-section shall be substituted, namely :
 - "(1) the following sub-section (1) a permit other than a temporary permit issued under section 64 shall be affective without renewal:
 - (a) 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
 - (b) 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."
- (x) Section 64 of the Principal Ordinance shall be deemed to have been retained, as it stood before the amendments vide Amending Ordinance.
- (xi) After section 64, a new section 64-A shall be inserted, namely :—
 - " 64-A Special permit:
 - (1) The Azad Kashmir Transport Authority may, grant special permits to be effective for one return trip only, authorising 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 Gazetted Officer of Government."

(xii) In section 67-F for the words 'section 48' wherever occurring, the words 'section 49-A' shall be substituted.

4. **Cancellation of existing stage carriage permits—section 4:-**

All permits to pay a stage carriage other than a permit authorising a stage carriage to ply in an urban area only, issued before the coming into force of this Ordinance, shall, after expiry of sixty days from the date of the coming into force of this Ordinance cease to be valid and shall stand cancelled and no stage carriage shall be plied on the authority of any such permit, unless a new permit in accordance with the provisions of this Ordinance has been obtained within the said period of sixty days.

5. The West Pakistan Motor Vehicles Rules, 1969, as amended upto date, are adapted and shall, as far as practicable, be in force in Azad Jammu and Kashmir Territory, subject to the modifications as stated below:-

- (i) Wherever the expressions 'West Pakistan', 'the Province', or the 'Central Government' occur the same shall be construed so as to refer to Azad Jammu and Kashmir.
- (ii) The expressions 'Regional Transport Authority' and the 'Provincial Transport Authority' shall be construed to refer to Azad Kashmir Transport Authority.
- (iii) In section 96-A, the words 'Board of Revenue' for appeals, shall be substituted by the words 'Financial Commissioner.'
- (iv) All provisions relating to Road Transport Corporation shall be deemed to have been omitted.
- (v) In sub-rule (3) of Rule 35-A, for the words 'one thousand' the words 'two hundred' shall be substituted.
- (vi) In Rule 35-C, for the words 'Chairman Provincial Transport Authority' the words 'Financial Commissioner' shall be substituted.

- (vii) Proviso to sub-rule (1) of Rule 55 shall be deleted.
- (viii) The sub-rules (3), (4), (5), (7) of Rule 57 shall be deemed to have been retained as they stood before amendments vide Government of West Pakistan, Transport Department, Notification N.T-7\35-56 (Imp) dated the 2nd June, 1970,
- (ix) Rule 58 shall be deemed to have been retained as it stood before amendments vide Government of West Pakistan, Transport Department, Notification No. T-7\35-56(Imp) dated the 2nd June, 1970, subject to following amendments:-
- (a) clause (a) of sub-rule (1) shall be substituted as under, namely :—
- "(a) A survey Committee consisting of two or more members, including a representative of public using the transport, at least one member of the Authority and a representative of Works Department shall be appointed by the Chairman, Azad Kashmir Transport Authority, for each specific route requiring survey."
- (b) A clause (f) be added after (e) in sub-rule (1) of Rule 50 as follows, namely :—
- "(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.
- (x) The Rules 60, 61, 62, 63, 64, 65, 68, 78, 79, 80 shall be deemed to have been retained as they stood before amendments vide Government of West Pakistan, Transport Department Notification No. T-7\35-56 (Imp) dated the 2nd June, 1970.
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