

**THE AZAD GOVERNMENT OF THE STATE OF JAMMU &  
KASHMIR, LAW & PARLIAMENTARY AFFAIRS  
SECRETARIAT, MUZAFFARABAD**

Dated the 14<sup>th</sup> December, 1982.

No. 1863/LD/82. The following Ordinance made by the President on the 12<sup>th</sup> day of December, 1982, is hereby published for general information.

**(ORDINANCE CCLXV OF 1982)**

**AN**

**ORDINANCE**

to adapt and enforce the West Pakistan Highways Ordinance 1959.

WHEREAS it is expedient to adapt and enforce the West Pakistan Highways Ordinance, 1959 (Ordinance XXXII of 1959) of Pakistan in Azad Jammu and Kashmir in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, Extent and Commencement.-** (1) This Ordinance may be called the West Pakistan Highways Ordinance (Adaptation) Ordinance, 1982.
  - (2) It extends to the whole of Azad Jammu and Kashmir.
  - (3) It shall come into force at once.
2. **Adaptation of the Ordinance.-** The West Pakistan Highways Ordinance, 1959 (Ordinance XXXII of 1959) of Pakistan, hereinafter referred to as the said Ordinance is hereby adapted in Azad Jammu and Kashmir and shall, as far as practicable, be enforced in Azad Jammu and Kashmir along with all amendments made in the said Ordinance and all rules made thereunder in Pakistan subject to the modifications that the expressions "Government", "Provincial Government" or any other expression, however, worded referring to any executive Government, shall, as far as practicable, be construed to refer to the Azad Government of the State of Jammu and Kashmir and reference to West Pakistan or any part of Pakistan, shall be construed to refer to the Azad Jammu and Kashmir.

3. **Substitution of Section 6, Act VI of 1948.-** In the said Ordinance for Section 6, the following shall be substituted, namely:-
- “6. Encroachments.- (1) Any person who sets up any fence, hedges, or raise a construction within the Highways limits specified by the Government for the respective Highways or Roads, by notification in the official Gazette within the earmarked areas for Highways without written permission of the Highways Authorities, shall be punished with fine which may extend to ten thousand rupees, and the Executive Engineer Highway concerned may without giving any notice, remove the offending structure, fence, hedges, post, deposit, goods, articles, stall or scaffolding and recover the cost from the defaulter.
- (2) The Executive Engineer, Highways concerned or any person empowered by him in this behalf, while removing the offending structure, fence, hedges, post, deposits, goods, articles, stalls or scaffoldings may use such force including Police force as may be necessary and may also recover the actual cost incurred thereof from the person responsible for the offending structure as arrears of Land revenue.”
4. **Amendment of Section 8, Ordinance XXXII of 1959.-** In the said Ordinance in sub-section (1) of Section 8, for clause (b) the following shall be substituted namely:-
- “b. to erect any building upon land within the specified limits from the middle of the Highway.”
5. **Removal of difficulties.-** If any difficulty or question arises in giving effect to the provisions of the said Ordinance or this to the Ordinance, the Government may from time to time, give such directions as may appear to it to be necessary for the purpose of removal of such difficulty.
6. **Repeal.-** The West Pakistan Highways Act, 1948 (Act VI of 1948) and the West Punjab Highways (Amendment) Ordinance, 1982 (Ordinance CCXLI of 1982) as in force in Azad Jammu and Kashmir are hereby repealed.

(Muhammad Hayat Khan)  
President  
Azad Jammu and Kashmir

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Sd/- (Khalil Ahmed Qureshi)  
Secretary Law