

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 6th January, 1985.

No. 46/LD/85. The following Ordinance made by the President on the 6th day of January, 1985, is hereby published for general information:-

(ORDINANCE VII OF 1985)

AN

ORDINANCE

to adapt and enforce the Drug Act, 1976, of Pakistan in Azad Jammu and Kashmir.

WHEREAS it is expedient to adapt and enforce the Drugs Act, 1976 (Act XXXI of 1976) 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 Drugs Act (Adaptation) Ordinance, 1985.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Adaptation of the Act.**- The Drugs Act, 1976 (Act XXXI of 1976) of Pakistan, hereinafter referred to as the said Act, is hereby adopted in Azad Jammu and Kashmir and shall as far as practicable, be in force in Azad Jammu and Kashmir along with all amendments made in the said Act and all rules, notifications and orders made thereunder in Pakistan subject to the modifications that the expressions "Government", "Federal 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 Pakistan or any part of Pakistan shall be construed to refer to the Azad Jammu and Kashmir.
3. **Licenses, etc. issued in Pakistan.**- (1) The Drug manufacturing licenses issued and the registration of drugs made by the Government of Pakistan under the Drugs Act, 1976 (XXXI of 1976), of Pakistan shall be deemed to have been issued and made by the Government of Azad Jammu and Kashmir for the territory of Azad Jammu and Kashmir subject to the same conditions, including

prices, as are prescribed by the Central Licensing Board, the Registration Board and Appellate the Board under the said Act.

(2) The Central Licensing Board, the Registration Board and the Appellate Board constituted by the Government of Pakistan under the said Act, shall, in respect of issue of licences and registration of drugs, have and exercise in the territory of Azad Jammu and Kashmir the same jurisdiction and powers as they do in Pakistan.

4. **Removal of difficulties.**- If any difficulty or question arises in giving effect to the provisions of the said Act or this Ordinance, the Government may, from time to time, give such directions as appear, it to be necessary for the purpose of removal of such difficulty.
5. **Amendment of Section 27, Act XXXI of 1976.**- In the said Act, in Section 27, for sub-section (4) the following shall be substituted, namely:-

“(4) Subject to the provisions of sub-section (1), sub-section (2) and sub-section (3), who ever himself or by any other person on his behalf contravenes any of the provisions of this Act or any rule shall be punished with imprisonment for a term which may extend to five years or whipping not exceeding twenty stripes, and shall also be liable to fine which may extend to fifty thousand rupees.”

6. **Amendment of Section 28, Act XXXI of 1976.**- In the said Act, for Section 28, the following shall be substituted, namely:-

“28. **Penalty for subsequent offence.**- (1) Whoever having been convicted of an offence under sub-section (1), of Section 27, is again convicted of an offence under that sub-section, shall be punished with imprisonment for life or with imprisonment which shall not be less than five years or whipping not exceeding thirty stripes and shall also be liable fine which may extend to two lakh rupees.

(2) Whoever having been convicted of an offence under sub-section (2) of Section 27 is again convicted of an offence under that sub-section shall be punishable with imprisonment for a term which shall not be less than two years or more than ten years or whipping not exceeding thirty stripes, and shall also be liable to fine which may extend two lakh rupees.

(3) Whoever having been convicted of an offence under sub-section (4) of Section 27 is again convicted of an offence under that sub-section shall be punished with imprisonment for a term which may extend to seven years, or whipping not exceeding thirty stripes, and shall also be liable to fine which may extend to one lakh rupees.”

7. **Savings**.- Notwithstanding any judgment, decree or orders of any Court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction of powers exercised under the provisions of the Drug Act (Adaptation) Ordinance, 1979 (Ordinance I of 1979) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

Sd/-

(Major General (R) Abdul Rehman Khan)
President,
Azad Jammu & Kashmir.

Sd/-

(Choudhry Muhammad Latif)
Joint Secretary Law.