

THE AZAD KASHMIR ADAPTATION OF LAWS ACT, 1959

(Act I of 1959)

(Passed under Council Order No. 21/59 dated 12-1-1959).

Whereas it is necessary to adapt and to enforce certain laws of Pakistan in the Azad Jammu and Kashmir Territory, it is hereby enacted as follows :-

1. (i) This Act may be called the Azad Kashmir Adaptation of Laws Act, 1959.
(ii) It shall extend to the whole of the Azad Jammu and Kashmir Territory and shall come into force at once.
2. In this Act, unless there is anything repugnant in the subject or context, the expression:-
 - (i) 'Government' shall mean the Azad Jammu and Kashmir Government ;
 - (ii) 'Law' shall mean any proclamation, Act, Ordinance, regulation, rule or order having the force of law;
 - (iii) 'Previous Law' shall mean a law in force in the Azad Jammu and Kashmir Territory immediately before the coming into force of this Act and corresponding to any law adapted under this Act.
3. The laws of Pakistan as contained in the Schedule to this Act and all rules, notifications and orders made thereunder and in force immediately before the commencement of this Act, are adapted and shall, as far as practicable, be in force in the Azad Jammu and Kashmir Territory subject to the modifications as stated below:-
 - (i) All cases pending in Courts on the coming into force of this Act, shall be tried and decided according to the provisions of the previous law.

Explanation :- 'Pending case' shall include a case till its final appellate or revisional stage ;

- (ii) The expressions 'Government', 'Central Government', 'Provincial Government', 'Crown', 'President', 'Governor', or
any other expressions however worded, referring to any Executive Government, shall, as far as practicable, be construed to refer to the Azad Jammu and Kashmir Government and references to Pakistan or any part of Pakistan shall be construed to refer to the Azad Jammu and Kashmir Territory ;
- (iii) The expressions 'evacuee', 'evacuee property' 'refugee' and 'foreigner' shall have the same meanings as are

assigned to them under any previous law ;

¹[(iv) " (a) References to 'Regional Transport Authority' or 'Provincial Transport Authority' in the Motor Vehicles Act, 1939, shall be construed as references to 'Azad Kashmir Provincial Transport Authority' constituted by the Government.

(b) The Azad Kashmir Provincial Transport Authority constituted under sub-clause (a) shall consist of a Chairman and such number of other members not exceeding three of whom at least one shall be a non-official as the Government may think fit to appoint; and the Chairman and the members of the Authority shall hold office during the pleasure of the Government:

Provided that no person who has any financial interest, whether as proprietor, employee or otherwise in any transport undertaking, shall be appointed as or continue as a member of the Provincial Transport Authority, and, if any such person being a member of the Authority, acquires a financial interest in any transport undertaking, he shall, within four weeks of so doing, give notice in writing to the Government of the acquisition of such interest and shall vacate office."

(v) Notwithstanding anything contained to the contrary in the Punjab Municipal Act or the rules framed thereunder, the Deputy Commissioner and the District Medical Officer shall, respectively, continue to be the Ex-officio Chairman and Secretary of each, Municipal Committee ;

(vi) The rates of taxes, fees and duties referred to in the Central Excise and Salt Act, the West Pakistan Entertainments Duty Act and the West Pakistan Motor Vehicles Taxation Act or the rules framed thereunder, shall be such as may be fixed by the Government from time to time provided that the rates prevalent in Azad Kashmir immediately before the commencement of this Act shall continue till they are altered or modified ;

(vii) (a) The Income Tax Act, 1922, shall come into force from the first day of April, 1959, alongwith the rates of income-tax and super-tax as in force in Pakistan on that date ;

(b) The rates of income-tax and super-tax referred to in

¹Subs. by the Azad Kashmir Adaptation of Laws (Amdt.) Act, 1967 (Act II of 1967) dt.11-02-1967. The original extract of Subsec.(iv) of section 3 of the Azad Kashmir Adaptation of Laws Act, 1959 is reproduced as under:-

"(iv) The expressions 'Regional Transport Authority' or 'Provincial Transport Authority' occurring in Motor Vehicles Act, shall be construed to refer to the Inspector General of Police, Azad Jammu and Kashmir Government ;"

the Income Tax Act, 1922, shall be laid down by the Government for a particular financial year provided that if no such rates are laid down by the Government the rates in force in the preceding year shall continue ;

- ¹["(c) The Government may, by order, enforce in the State amendments made and that may in future be made in the Income Tax Act, 1922, or in the rate of Income-tax and super-tax and other matters connected therewith under any Finance Ordinance or other law relating thereto, promulgated or that may in future be promulgated by the Government of Pakistan from time to time.]
- (viii) The rules contained in the Punjab Jail Manual shall, as far as practicable, apply to Jails to the extent of their consistency with the Saws in force in Azad Kashmir provided that the scale and description of diet of prisoners shall be fixed by the inspector General of Prisons with the previous sanction of the Government;
- (ix) The West Pakistan Tobacco Vend Act, 1958, shall apply to urban as well as rural areas;
4. The Laws of Pakistan referred to in Section 3 of this Act. shall apply to the Azad Jammu and Kashmir Territory, as they are in force in the part of West Pakistan formerly known as the Punjab immediately before the commencement of this Act Provided that if any of these laws are not applicable to the said part it shall be in force in the Azad Jammu and Kashmir Territory as it applies to any other part of Pakistan.
5. The laws of Pakistan governing Coinage and Currency, Savings Banks, Post Offices and Telegraphs established by the Government of Pakistan shall be deemed to continue to apply to the Azad Jammu and Kashmir Territory as the corresponding British Indian Laws were applicable to the Jammu and Kashmir State before August 14, 1947.
6. If immediately before the coming into force of this Act there is in force in the Azad Kashmir Territory any law corresponding to any law adapted under this Act it shall, subject to the other provisions of this Act, cease to have effect on and from the date of the commencement of this Act: provided that the provisions of this Act shall not render invalid any thing duly done before the coming into force of this Act under the provisions of any previous law.

¹Add. by the Azad Kashmir Adaptation of Laws (Amdt.) Act, 1962 (Act III of 1962) dt. 27-6-1962

7. If any difficulty or question arises in giving effect to the provisions of this Act or in regard to the constructions to be placed on any adaptation, the Government may, from time to time, make such provisions or give such directions as appear to it to be necessary for the purpose of removal of such difficulty.
-

**SCHEDULE TO THE AZAD KASHMIR ADAPTION OF LAWS
ACT, 1959**

(See Section 3)

1. Agriculturist's Loans Act (XVII of 1958) (West Pakistan).
2. Ancient Monuments Preservation Act (VII of 1904).
3. Arbitration Act (X of 1940).
4. Bankers' Books Evidence Act (XVIII of 1891).
5. Boilers Act (V of 1923).
6. Canal and Drainage Act (VIII of 1873).
7. Cantonments Act (II of 1924).
8. Carriers Act (II of 1865).
9. Cattle Trespass Act (I of 1871).
10. Central Excise and Salt Act (I of 1944).
11. Charitable and Religious Trust Act (XIV of 1920).
12. Charitable Endowment Act (VI of 1890).
13. Child Marriage Restraint Act (XIX of 1929).
14. Cinematograph Act (II of 1918).
15. Companies Act (VII of 1913).
16. Contempt of Courts Act (XII of 1926).
17. Contract Act (IX of 1872).
18. Co-operative Societies Act (II of 1912).
19. Copy-right Act (III of 1914).
20. Criminal Law Amendment Act (XIV of 1908).
21. Criminal Law Amendment Act (XXIII of 1932).
22. Criminal Law Amendment Act (XX of 1938).
23. Dangerous Drugs Act (II of 1930).
24. Destruction of Records Act (V of 1917).
25. Destructive Insects and Pests Act (II of 1914).
26. Dissolution of Muslim Marriages Act (VIII of 1939).
27. Development of Industries (Federal Control) Act (XIII of 1949).
28. Dramatic Performances Act (XIX of 1876).
29. Easements Act (V of 1882).
30. Electricity Act (IX of 1910).
31. Employers Liability Act (XXIV of 1938).

32. Essential Supplies (Temporary Powers) Act (XXIV of 1946).
33. Explosives Act (IV of 1884).
34. Explosive Substances Act (VI of 1908).
35. Evacuee Property Multiple Allotments Act (VII of 1956).
36. Factories Act (XXV of 1934).
37. Fatal Accidents Act (XIII of 1855).
38. The Ferries Act (XVII of 1878).
39. Foreigners Act (XXXI of 1946).
40. General Clauses Act (X of 1897).
41. Glanders and Farcy Act (XIII of 1899).
42. Government Buildings Act (IV of 1899).
43. Government Management of Private Estates Act (X of 1892).
44. Guardians and Wards Act (VIII of 1890).
45. The Hoarding and Black Market Act (XXIX of 1948).
46. Identification of Prisoners Act (XXXIII of 1920)
47. Income Tax Act (XI of 1922).
48. Insurance Act (IV of 1938).
49. Judicial Officers' Protection Act (XVIII of 1850).
50. Land Acquisition Act (I of 1894).
51. Land Acquisition (Mines) Act (XVIII of 1885).
52. Land Improvement Loans Act (XIX of 1883).
53. Legal Representatives' Suits Act (XII of 1855),
54. Lepers Act (III of 1898).
55. Local Authorities Loans Act (IX of 1914).
56. Lunacy Act (IV of 1912).
57. Majority Act (IX of 1875).
58. Merchandise Marks Act (IV of 1889).
59. Motor Vehicles Act (IV of 1939).
60. Musalman Waqf Act (XIII of 1923).
61. Musalman Waqf Validating Act (VI of 1913).
62. Musalman Waqf Validating Act (XXXII of 1930).
63. Negotiable Instruments Act (XXVI of 1881).
64. Oaths Act (X of 1873).

65. Official Secrets Act (XIX of 1923).
66. Opium Act (I of 1878).
67. Partition Act (IV of 1893).
68. Partnership Act (IX of 1932).
69. Patents and Designs Act (II of 1911).
70. Petroleum Act (XXX of 1934).
71. Poison Act (XII of 1919).
72. Police (Incitement to Disaffection) Act (XXII of 1922).
73. Press and Registration of Books Act (XXV of 1867).
74. Press (Emergency Powers) Act (XXIII of 1931).
75. Prevention of Cruelty to Animals Act (XI of 1890).
76. Prevention of Seditious Meetings Act (X of 1911).
77. Prisoners Act (III of 1900).
78. Prisons Act (IX of 1894).
79. Provincial Insolvency Act (V of 1920).
80. Provincial Small Causes Courts Act (IX of 1887).
81. Public Accountants Default Act (XII of 1850).
82. Public Gambling Act (II of 1867).
83. Public Servants (Enquiries) Act (XXXVII of 1850).
84. Pakistan Administration of Evacuee Property Act (XII of 1957).
85. Pakistan Commissions of Inquiry Act (VI of 1956).
86. Pakistan Rehabilitation Act (XVII of 1956).
87. Registration Act (XVI of 1908).
88. Registration of Foreigners Act (XVI of 1939).
89. Religious Endowments Act (XX of 1863).
90. Religious Societies Act (I of 1880).
91. Sarais Act (XXII of 1867).
92. Sales of Goods Act (III of 1930).
93. Societies Registration Act (XXI of 1860).
94. Soldiers (Litigation) Act (IV of 1925).
95. Specific Relief Act (I of 1877).
96. Stage Carriages Act (XVI of 1861).
97. Stamp Act (II of 1899).

98. Suits Valuation Act (VII of 1887).
99. Trade Marks Act (V of 1940).
100. Transfer of Property Act (IV of 1882).
101. Treasure-trove Act (VI of 1878).
102. Trusts Act (II of 1882).
103. Usurious Loans Act (X of 1918).
104. Vaccination Act (XIII of 1880).
105. Whipping Act (IV of 1909).
106. Wireless Telegraphy Act (XVII of 1933).
107. Workmen's Compensation Act (VII of 1923).
108. Punjab Court of Wards Act (II of 1903).
109. Punjab Industrial Loans Act (I of 1923).
110. Punjab Jvenile Smoking Act (VII of 1918).
111. Punjab Land Preservation (Chos) Act (II of 1900).
112. Punjab Municipal Act (III of 1911).
113. Punjab Prohibition of Opium Smoking Act (XIII of 1953).
114. Punjab Pure Food Act (VIII of 1929).
115. Redemption of Mortgages (Punjab) Act (II of 1913).
116. Punjab Small Towns Act (II of 1922).
117. Punjab Village and Small Towns Patrol Act (VIII of 1918).
118. Punjab Police Rules.
119. Punjab Consolidation of Holdings Act, 1936.
120. State Aid to Industries Act, 1935.
- ¹[121. The West Pakistan Control of Goondas Ordinance (XXXV of 1959).]
122. Punjab Conservation of Cattle (Meatless Days) Act, 1954 (XVII of 1955).
123. Punjab Essential Articles Act, 1953 (V of 1953).
124. Punjab Articles of Daily-Use Act, 1953 (VI of 1953).
125. Punjab Town Improvement Act (IV of 1922).

¹Subs. by the Azad Kashmir Adaptation of Laws Amendment Act, 1961 (Act VII of 1961) dt. 23-11-1961 The original extrat of No. 121 is reproduced as :-

"121-West Pakistan Control of Goondas Ordinance, (XXXV of 1959) Substituted by "Punjab Control of Goondas Act (XIV of 1951)" by Government Order No. 490/61 dated 23-11-61"

126. Punjab Highways Act (VI of 1948).
 127. Rules under the Arms Act.
 128. Punjab Village Panchayats Act.
 129. The Punjab Excise Act (I of 1914).
 130. The Punjab Motor Spirit (Taxation of Sales) Act (I of 1939).
 131. Punjab Jail Manual.
 132. West Pakistan Department Enquiries (Powers) Act, 1958.
 133. West Pakistan Entertainments Duty Act (X of 1958).
 134. West Pakistan Epidemic Diseases Act, 1958 (XXXVI of 1958).
 135. West Pakistan Essential Services (Maintenance) Act, (XXXIV of 1958).
 136. West Pakistan Motor Vehicles Taxation Act (XXXII of 1958),
 137. West Pakistan Requisitioning of Immovable Property (Temporary Powers) Act (VII of 1956).
 138. West Pakistan Drugs Extension Act, 1958 (XIV of 1958).
 139. West Pakistan Foodstuffs Control Act (XX of 1958).
 140. West Pakistan Tobacco Vend Act (XXXVIII of 1958).
-