

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW JUSTICE PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 7th April, 2014.

No. LD/Legis-Act/326-38/2014. The following Act of Assembly received the assent of the President on the 1st day of April, 2014, is hereby published for general information.

(ACT XIX OF 2014)

An

Act

further to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Motor Vehicles (Amendment) Act, 2014.

(2) It shall come into force at once and shall be deemed to have taken effect from 04.03.2014.

2. Amendment of Section 2, Motor Vehicles Ordinance, 1971.-
In the Azad Jammu and Kashmir Motor Vehicles Ordinance, 1971, hereinafter referred to as the said Ordinance, in Section 2,-

(i) after clause (13) the following new clause (13-a) shall be inserted as under:

“(13-a) “Insurance Certificate/ Tag” means a Certificate/ Tag issued under this Act;

(ii) after clause (33), the following new clause (33-a) shall be inserted as under:

(33-a) “Road Vehicle” means any motor vehicle designed and constructed for operating on road including animal drawn vehicle and bicycle.”

3. Amendment of Section 23, Motor Vehicles Ordinance, 1971.-
In the said Ordinance, the sub-section (1) of section 23 shall be substituted as under:-

“(1) No person shall drive any motor vehicle and no owner of

a motor vehicle shall cause or permit the vehicle to pose of carrying passengers or goods unless the vehicle is insured under this Act and registered in accordance with this Chapter and the vehicle carries insurance tag and a registration mark displayed in the prescribed manner.

Explanation:-A motor vehicle shall not be deemed to be registered in accordance with this Chapter if the certificate of registration has been suspended or cancelled.”

4. Amendment of Section 28, Motor Vehicles Ordinance, 1971.- In the said Ordinance, in Section 28, in sub-section (1), the full stop at the end of sub clause (i) of clause (d) shall be substituted by semi colon and a word “or” shall be added and thereafter following new clause (e) shall be added:-

“(e) the applicant fails to furnish insurance certificate/tag issued under Section 49-B.”

5. Amendment of Section 34, Motor Vehicles Ordinance, 1971.- In the said Ordinance, in Section 34, in sub-section (1), in clause (a) for the words “as required by law” the words “under Section 49-B” shall be substituted.

6. Amendment of Section 39, Motor Vehicles Ordinance, 1971.- In the said Ordinance, in Section 39, in sub-section (1), between the words “carries” and “a certificate” the words “insurance certificate/tag under Section 49-B and” shall be inserted.

7. Amendment _of Section 49-A, Motor Vehicles Ordinance, 1971.- In the said Ordinance, in Section 49-A, in sub-section (1), after the clause (c) the following news clause (d) shall be inserted:-

“(d) furnish security, equivalent to the prescribed bank guarantee for all types of Road Vehicle travelers issued by,-

(i) the insurance company duly registered with the Securities and Exchange Commission of Pakistan and authorized by the Government for this purpose; or

(ii) any department as may be authorized by the Government to pay all types of Road Vehicle traveler in case of accident, death/injury as compensation under Section 67.”

8. Addition of new Section 49-B, Motor Vehicles Ordinance, 1971.- In the said Ordinance, after Section 49-A, the new Section

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49-B shall be added as under:-

“49-B. Collection of Insurance and Payment __of Compensation.- (1) All motor registering authorities, branches or toll entry/exit point of Azad Jammu and Kashmir, at the time of collection of token tax, shall also collect insurance fee, on annual basis from different type of Road Vehicle as per Twelfth Schedule and shall issue the Insurance Certificate/Tag to the owner of the vehicle at the time of such collection.

(2) In case of Road Vehicle accident, causing injury/death to any person, the registered insurance company or the department so authorized by the Government for this purpose shall pay compensation as per Eleventh Schedule to the injured person or to their legal heir, as the case may be.”

Amendment of Section 67, Motor Vehicles Ordinance, 1971.-
In the said Ordinance, the sub-section (1) of Section 67 shall be substituted as under,-

“(1) ‘In case of death of, or injury to, a passenger in a Road Vehicles or a stage carriage or a contract carriage or a motor cab, arising out of use of such carriage, there shall be paid by the owner of the such carriage as compensation:

(a) In case of death of passenger, a sum of rupees three lac to the legal heir/ representatives of the passenger; and

(b) In case of an injury to a passenger, the amount specified in the Eleventh Schedule, to the passenger.”

Amendment_of Section 112-B, Motor Vehicles Ordinance.

1971.-In the said Ordinance, in Section 112-B, the words “part I and IT” occurring twice shall be omitted.

Savings.-Notwithstanding any judgment, decree or order of any court including the High Court and Supreme Court, everything done, all actions taken, notifications issued, decisions made, orders passed, proceedings initiated, powers exercised, powers conferred etc., which have been visualized by this Act, shall be deemed to have been validly done, taken, issued, made, passed, initiated, exercised, conferred etc., under this Act.

Substitution of the Eleventh Schedule, Motor Vehicles Ordinance, _1971.-In the said Ordinance for the existing

Eleventh Schedule, the following shall be substituted:-

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"THE ELEVENTH SCHEDULE

(See Section 67)

Scale of compensation payable on injury to a passenger/traveler in a stage carriage or contract carriage and all types of commercial/private vehicles:-

Sr. Description of injuries Principal

No amount of compensation

1 Death Rs. 3,00,000/-

2 Loss of both or amputation at higher sites Rs. 3,00,000/-

3 Loss of hand and a foot Rs. 3,00,000/-

4 Double amputation through leg or thigh | Rs. 3,00,000/-
amputation through leg or thigh on one side
and loss of other foot

5 Loss of sight of such an extent as to render | Rs. 3,00,000/-
the claimant unable to perform any work for
which eye-sight is essential

6 Very serious facial disfigurement Rs. 3,00,000/-

7 Absolute deafness Rs. 3,00,000/-

8 Amputation through shoulder joint Rs. 2,70,000/-

9 Amputation below shoulder with stump less | Rs. 2,40,000/-
than 8 inches from tip of acromion

10 Amputation from 8 inches from tip of | Rs. 2,10,000/-
acromion to less than 4.5inches below tip of
olecranon

11 Loss of hand or of the thumb and for fingers | Rs. 1,80,000/-
of one hand or amputation from 4.5 inches
below tip of olecranon

12 Loss of thumb Rs. 90,000/-

13 Loss of thumb and its metacarpal bone Rs. 1,20,000/-

14 Loss of four fingers of one hand Rs. 1,50,000/

15 Loss of three fingers of one hand Rs. 90,000/-

16 Loss of two fingers of one hand Rs. 60,000/-

17 Loss of terminal phalanx of one hand Rs. 60,000/-

18 Amputation of both feet resulting in end | Rs. 2,70,000/-
bearing stumps

19 Amputation through both feet proximal to | Rs. 2,40,000/-
the metatarsal inter-phalangeal joint

20 Loss of all toes of both feet through the | Rs. 1, 20,000/-
metatarsal-phalangeal Joint

21 Loss of all toes of both feet proximal to the Rs. 90,000/-
proximal inter-phalangeal joint

22 Loss of all toes of both feet distal to the Rs. 60,000/-
proximal inter-phalangeal joint

23 Amputation at hip Rs. 2,70,000/-

24 Amputation below hip with stump not | Rs. 2,40,000/-
exceeding 5 inches in length measured from
tip of great trochanter

25 Amputation below with stump exceeding 5 | Rs. 2,10,000/-
inches in length measured from tip of great
trochanter but not beyond middle thigh

26 Amputation below middle thigh to 3.5 | Rs. 1,80,000/-
inches below knee

27 Amputation below knee with stump | Rs. 1,50,000/-
exceeding 3.5 inches but not exceeding 5
inches

28 Amputation below knee with stump | Rs. 1, 20,000/-
exceeding 5 inches

29 Amputation of one foot resulting in end Rs. 90,000/-
bearing

30 Amputation through one foot proximal to Rs. 90,000/-
the metatarsal-phalangeal joint

31 Loss of all toes of one foot through the Rs. 60,000/-
metatarsal-phalangeal joint

32 Loss of one eye without complication, the | Rs. 1,20,000/-
other being normal

33 Loss of vision of one eye without Rs. 90,000/-

complication or disfigurement of eyeball,
the other being normal

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34 Whole finger of right/left hand-index finger Rs. 42,000/-
35 Two phalanges Rs. 33,000/-
36 One phalanx Rs. 27,000/-

37 Guillotine amputation of tip without loss of | Rs. 15,000/-
bone

38 Whole middle finger Rs. 36,000/-

39 Two phalanges Rs. 27,000/-

40 One phalanx Rs. 21,000/-

41 Guillotine amputation of tip without loss of Rs. 12,000/-
bone

42 Whole ring or little finger Rs. 21,000/-

43 Two Phalangeal Rs. 18,000/-

44 One Phalangeal Rs. 15,000/-

45 Guillotine amputation of tip without loss of Rs. 6, 000/-
bone

46 Toe of right/left foot -great toes through Rs. 42,000/-
metatarso-phalangeal joint

47 Part, without some loss of bone Rs. 9,000/-"

48 Any other toe through meatarso-phalangeal Rs. 9,000/-
joint

49 Part, with some loss of bone Rs. 3,000/-

50 Two toes of one foot, excluding great toe Rs. 15,000/-
meatroso-phalangeal joint

51 Part, with some loss of bone Rs. 6,000/-

52 Three toe of one foot, excluding great toe Rs. 18,000/-
through meatarso-phalangeal joint

53 Part ,with some loss of bone Rs. 9,000/-

54 Four toes of one foot, excluding great toe Rs. 27,000/-
meatarso-phalangeal joint

55 Part ,with some loss of bone Rs. 9,000/-

13. Addition of new Schedule, Motor Vehicles Ordinance, 1971.-
In the said Ordinance, after the Eleventh Schedule as substituted
above the following new Schedule shall be added, namely:-

"THE TWELFTH SCHEDULE

(See Section 49-B)

Sr. No. Type of vehicles Annual
premium

1 Buses Rs. 3,000/-

2 Coasters Mini Buses and others Rs. 2,500/-

3 Wagon/van/Toyota Hiace/Ford Rs. 2,000/-
Wagon

4 Jeep/car/pajero Rs. 500/-

5 Trailer/truck/Mini Truck/Pick up Rs. 800/-
and others

6 Motor Rickshaw Rs. 300/-

7 Motor Cycle/Scooter Rs. 200/-

14. Substitution of Appendix-II, Motor Vehicles Ordinance,
1971.-In the said Ordinance, the existing Appendix-II shall be
substituted as under:-

APPENDIX-I

See Section 112-B

Sr. No | Violations Motorcycle/ | Motor Public Service
Scooter Car/Jeep | Vehicles/Private
ete. or Public Carrier

1 Exceeding Rs. 200/- Rs. 500/- Rs. 750/-
prescribed

speed limit

2 carrying -- Rs. 500/- Rs. 750/-
passengers in a
public service
vehicle
exceeding
permissible

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limit

Violation of
traffic signals
(Electronic/Manual)

Rs. 200/-

Rs.

500/-

. 1000/-

Overloading a
goods vehicle

Rs.

500/-

Rs

. 500/-

Driving a motor
vehicle at night
without proper
lights

Rs. 200/-

Rs.

300/-

Rs.

. 500/-

Driving a motor
vehicle on the
wrong side of
the road

Rs. 200/-

Rs.

500/-

Rs.

. 750/-

Driving a motor
vehicle with
tinted/covered
glasses

. 500/-

Violation of
line/lane/zebra
crossing etc.

Rs. 200/-

s. 300/-

Rs.

. 500/-

Plying a motor
vehicle — where
and when
prohibited

Rs. 200/-

Rs.

300/-

Rs.

. 750/-

Obstructing
traffic

Rs. 200/-

s. 500/-

. 1000/-

Reckless and
negligent
driving

Rs. 300/-

Rs.

500/-

Rs.

1000/-

Driving a motor
vehicle without
a driving license

Rs. 200/-

. 500/-

. 1000/-

Using a pressure
horn, musical
horn or using
any other horn

Rs. 200/-

Rs.

200/-

Rs.

. 750/-

in a silence zone

4 Emitting Rs. 200/- Rs.300/- Rs. 750/-
excessive
smoke

5 Driving an Rs. 200/- Rs.500/- Rs.1000/-
unregistered
motor vehicle

6 Driving in Rs. 300/- Rs.500/- Rs.1000/-
violation of age
limit.

17 Driving a motor -- -- Rs.1000/-
vehicle without
fitness
certificate

18 Driving without -- -- Rs. 1000/-
or in violation
of conditions of
route permit

19 Riding a two Rs. 200/- - --
wheel
motorcycle
without crash
helmet

20 Pillion riding by Rs. 300/- - -
more than two
persons

21 Use of hand- Rs. 200/- Rs.500/- Rs.1000/-
held mobile
phone while
driving

22 Non-fastening -- Rs.500/- Rs.750/-
of seatbelt while
driving on a
notified road

23 Violation of Rs. 200/- Rs.500/- Rs.1000/-
parking rules

24 Violation of any Rs. 200/- Rs.300/- Rs.500/-

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other provision
of the
Ordinance or
the rules made
thereunder
punishable
under Section
109.

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Driving Motor
Vehicle at night
on high beam in
term of section
95-c.

Rs. 200/- Rs. 200/-”

Sd/-
(Ch. Muhammad Nawaz)
Section Officer Law