

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 ;

(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 ;

(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 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 ;

(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;

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.

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.

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.

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.