

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARBAD.

Dated the 30th March, 1986.

No. 545-49/LD/Leg (A)/86. The following Act of the Assembly received the assent of the President on 6th day of March, 1986, is hereby published for general information.

(ACT XXXIV OF 1986)

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ACT

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;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Drugs (Adaptation) Act, 1986.

(2) It extends to the whole 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 adapted in Azad Jammu and Kashmir and shall, as far as practicable be in force in Azad Jammu and Kashmir alongwith 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 a reference to Pakistan or any part of Pakistan, shall be construed to refer to the Azad Jammu and Kashmir.

3. Licences, etc, issued in Pakistan.- The Drug manufacturing licences issued and the registration of drugs made by the Government of Pakistan under the Drugs Act (Act 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 the Appellate 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.

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), whoever 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.”

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 to 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 to 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 subsection 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.”

Savings.- Notwithstanding any judgment, decree or order of any court including high Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction of powers exercised under the provisions of the Drugs Act (Adaptation) Ordinance, 1979 (ordinance I of 1979) or its succeeding Ordinances issued from time to time

shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.

Repeal.- The Drugs (Adoption) Ordinance, 1986 (Ordinance IX of 1986) is hereby repealed.

Sd/-

(Syed Atta Mohy-ud-Din Qadri)

Deputy Secretary Law.