

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

Dated the 9th March, 1986.

No. 416-20/LD/Leg (A)/86. The following Act of the Assembly received the assent of the President on 5th day of March, 1986, is hereby published for general information.

(ACT XX OF 1986)

AN
ACT

to adapt and enforce the West Pakistan Highways Ordinance, 1959

WHEREAS it is expedient to adapt and enforce the West Pakistan Highways Ordinance, 1959 (Ordinance XXXII of 1959) 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 West Pakistan Highways Ordinance (Adaptation) Act, 1986.
(2) It extends to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.

2. Adaptation of the Ordinance.- The West Pakistan Highways

Ordinance, 1959 (Ordinance XXXII of 1959) of Pakistan, hereinafter referred to as the said Ordinance, is hereby adapted in Azad Jammu and Kashmir and shall, as far as practicable, be enforced in Azad Jammu and Kashmir alongwith all amendments made in the said Ordinance and all rules made thereunder in Pakistan subject to the modifications the expressions 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 West Pakistan or any part of Pakistan, shall be construed to refer to the Azad Jammu and Kashmir.

3. Amendment of Section 6, Ordinance XXXII of 1959.- In the said ordinance, for Section 6, the following shall be substituted, namely:-

"6, Encroachments.- (1) Any person who sets up any fence, hedges, or raises a construction within the Highways limits specified by the Government for the respective Highways or Roads, by notification in the official

Gazette within the earmarked areas for Highways, without written permission of the Highways Authorities, shall be punished with fine which may extend to ten thousand rupees, and the Executive Engineer, Highways concerned may without giving any notice, remove the offending structure, fence, hedges post, deposit, goods, articles, stall or scaffolding and recover the cost from the defaulters.

(2) The Executive Engineer, Highways concerned or any person empowered by him in this behalf, while removing the offending structure, fence, hedges post, deposits, goods, articles, stalls or scaffoldings may use such force including Police force as may be necessary and may also recover the actual cost incurred thereof from the person responsible for the offending structure as arrears of land revenue.

Amendment of Section 8, Ordinance XXXII of 1959.- In the said ordinance, for Section (1) of Section 8, for clause (b) the following shall be substituted, namely:-

“(b) to erect any building upon land within the specified limits from the middle of the Highway.”

Repeal.- The West-Pakistan Highway (Adaptation) Ordinance, 1985 (Ordinance CCLII of 1985) is hereby repealed.

Sd/-
(Syed Atta Mohy-ud-Din Qadri)
Deputy Secretary Law.