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AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”
Dated: 07-04-2014.

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 (ii) 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 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.”

9. 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.”

10. **Amendment of Section 112-B, Motor Vehicles Ordinance, 1971.** In the said Ordinance, in Section 112-B, the words “part I and II” occurring twice shall be omitted.
11. **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.
12. **Substitution of the Eleventh Schedule, Motor Vehicles Ordinance, 1971.** In the said Ordinance for the existing Eleventh Schedule, the following shall be substituted:-

“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. No	Description of injuries	Principal 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 amputation through leg or thigh on one side and loss of other foot	Rs. 3,00,000/-
5	Loss of sight of such an extent as to render the	Rs. 3,00,000/-

	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 than 8 inches from tip of acromion	Rs. 2,40,000/-
10	Amputation from 8 inches from tip of acromion to less than 4.5 inches below tip of olecranon	Rs. 2,10,000/-
11	Loss of hand or of the thumb and for fingers of one hand or amputation from 4.5 inches below tip of olecranon	Rs. 1,80,000/-
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 bearing stumps	Rs. 2,70,000/-
19	Amputation through both feet proximal to the metatarsal inter-phalangeal joint	Rs. 2,40,000/-
20	Loss of all toes of both feet through the metatarsal-phalangeal Joint	Rs. 1,20,000/-
21	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	Rs. 90,000/-
22	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	Rs. 60,000/-
23	Amputation at hip	Rs. 2,70,000/-
24	Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	Rs. 2,40,000/-
25	Amputation below with stump exceeding 5 inches in length measured from tip of great trochanter but not beyond middle thigh	Rs. 2,10,000/-
26	Amputation below middle thigh to 3.5 inches below knee	Rs. 1,80,000/-
27	Amputation below knee with stump exceeding 3.5 inches but not exceeding 5 inches	Rs. 1,50,000/-

28	Amputation below knee with stump exceeding 5 inches	Rs. 1, 20,000/-
29	Amputation of one foot resulting in end bearing	Rs. 90,000/-
30	Amputation through one foot proximal to the matatarso-phalangeal joint	Rs. 90,000/-
31	Loss of all toes of one foot through the matatarso-phalangeal joint	Rs. 60,000/-
32	Loss of one eye without complication, the other being normal	Rs. 1,20,000/-
33	Loss of vision of one eye without complication or disfigurement of eyeball, the other being normal	Rs. 90,000/-
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 bone	Rs. 15,000/-
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 bone	Rs. 12,000/-
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 bone	Rs. 6, 000/-
46	Toe of right/left foot -great toes through metatarso-phalangeal joint	Rs. 42,000/-
47	Part, without some loss of bone	Rs. 9,000/-”
48	Any other toe through meatarso-phalangeal joint	Rs. 9,000/-
49	Part, with some loss of bone	Rs. 3,000/-
50	Two toes of one foot, excluding great toe meatroso-phalangeal joint	Rs. 15,000/-
51	Part, with some loss of bone	Rs. 6,000/-
52	Three toe of one foot, excluding great toe through meatarso-phalangeal joint	Rs. 18,000/-
53	Part ,with some loss of bone	Rs. 9,000/-

54	Four toes of one foot, excluding great toe metatarso-phalangeal joint	Rs. 27,000/-
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 Wagon	Rs. 2,000/-
4	Jeep/car/pajero	Rs. 500/-
5	Trailer/truck/Mini Truck/Pick up and others	Rs. 800/-
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-II
See Section 112-B

Sr. No	Violations	Motorcycle/ Scooter	Motor Car/ Jeep etc.	Public Service Vehicles/ Private or Public Carrier
1	Exceeding prescribed speed limit	Rs. 200/-	Rs. 500/-	Rs. 750/-
2	carrying passengers in a public service vehicle exceeding permissible limit	--	Rs. 500/-	Rs. 750/-

3	Violation of traffic signals (Electronic/Manual)	Rs. 200/-	Rs. 500/-	Rs. 1000/-
4	Overloading a goods vehicle	---	Rs. 500/-	Rs. 500/-
5	Driving a motor vehicle at night without proper lights	Rs. 200/-	Rs. 300/-	Rs. 500/-
6	Driving a motor vehicle on the wrong side of the road	Rs. 200/-	Rs. 500/-	Rs. 750/-
7	Driving a motor vehicle with tinted/covered glasses	---	Rs. 500/-	---
8	Violation of line/lane/zebra crossing etc.	Rs. 200/-	Rs. 300/-	Rs. 500/-
9	Plying a motor vehicle where and when prohibited	Rs. 200/-	Rs. 300/-	Rs. 750/-
10	Obstructing traffic	Rs. 200/-	Rs. 500/-	Rs. 1000/-
11	Reckless and negligent driving	Rs. 300/-	Rs. 500/-	Rs. 1000/-
12	Driving a motor vehicle without a driving license	Rs. 200/-	Rs. 500/-	Rs. 1000/-
13	Using a pressure horn, musical horn or using any other horn in a silence zone	Rs. 200/-	Rs. 200/-	Rs. 750/-
14	Emitting excessive smoke	Rs. 200/-	Rs.300/-	Rs. 750/-
15	Driving an unregistered motor vehicle	Rs. 200/-	Rs.500/-	Rs.1000/-
16	Driving in violation of age limit.	Rs. 300/-	Rs.500/-	Rs.1000/-
17	Driving a motor vehicle without fitness certificate	--	--	Rs.1000/-
18	Driving without or in violation of conditions	--	--	Rs. 1000/-

	of route permit			
19	Riding a two wheel motorcycle without crash helmet	Rs. 200/-	--	--
20	Pillion riding by more than two persons	Rs. 300/-	--	--
21	Use of hand-held mobile phone while driving	Rs. 200/-	Rs.500/-	Rs.1000/-
22	Non-fastening of seatbelt while driving on a notified road	--	Rs.500/-	Rs.750/-
23	Violation of parking rules	Rs. 200/-	Rs.500/-	Rs.1000/-
24	Violation of any other provision of the Ordinance or the rules made thereunder punishable under Section 109.	Rs. 200/-	Rs.300/-	Rs.500/-
25	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

No.4200-4300/P&S/2014

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