

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

"Muzaffarabad"
Dated: 08.11.2016

No.LD/Legis-Act/408/2016. The following Act of Assembly received the assent of the President on the 04th day of November 2016, is hereby published for general information.

[Act XXVIII of 2016]

An

Act

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

Whereas it is expedient further to amend the Azad Jammu and Kashmir Motor Vehicle Ordinance, 1971 in the manner hereinafter appearing;

It is hereby as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Motor Vehicle (Amendment) Act, 2016.
(2) It shall come into force at once.
2. **Amendment of Section 49-B, Motor Vehicle Ordinance, 1971.**- In the Azad Jammu and Kashmir Motor Vehicle Ordinance 1971, hereinafter referred to as the said Ordinance, in Section 49-B, the sub-section (2) shall be substituted as under:-

“(2) In case of road vehicle accident, causing injury or death to any person, the insurance company or the department, as may be authorized by the Government for this purpose, shall pay compensation under Eleventh Schedule to the injured person or to legal heirs of the deceased person, as the case may be, on decision of Claims Tribunal established under Section 67 (A)(1).”
3. **Substitution of Section 67, Motor Vehicle Ordinance, 1971.**- In the said Ordinance, in Section 67, the sub-section (1) shall be substituted as under:-

“(1) In case of death of, or injury to, a passenger, driver or conductor in a road vehicle or stage carriage or contract carriage or a motor cab, arising out of use of such carriage, the owner of such vehicle or the department or the insurance company, as may be authorized by the Government, shall pay following amount of compensation, as may be decided by the Claims Tribunal established under Section 67 (A) (1):

 - (a) in case of death, sum of rupees three lac to the legal heir of the deceased; and

(b) in case of an injury to, the amount specified in the Eleventh Schedule shall be paid to the injured person:

Provided that in case where the owner has not complied with requirement of Section 49-B(1), then the amount of the compensation shall be paid by the owner himself, instead of the department, to driver or conductor or to their legal heir, as the case may be:

Provided further that if compensation has not been paid by the owner, such vehicle shall not be issued any type of permit or registration and any such documents already issued for this purpose shall stand suspended forthwith."

4. **Amendment of Section 67-E, Motor Vehicle Ordinance, 1971.**- In the said Ordinance, in Section 67-E, in sub-section (1), after the words "any person", the words "or the department or the insurance company as may be authorized by the Government under Section 49-A" shall be inserted.
5. **Repeal.**- The Azad Jammu and Kashmir Motor Vehicles Ordinance, 2016 (Ordinance IX of 2016) is hereby repealed.

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(Mehr-un-Nisa Qadri)
Section Officer (Legislation)