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THE AZAD JAMMU AND KASHMIR PREVENTION OF

CORRUPTION (AMENDMENT) ACT, 1965

(Act II of 1965)

(Passed under Government Order No. /Council/65,

dated the 7th April, 1965).

WHEREAS it is expedient to amend the Azad Kashmir Prevention of Corruption Act, 1950, it is hereby enacted as follows:-

Short title:- This Act may be called the Azad Kashmir Prevention of Corruption, (Amendment) Act, 1965.

Insertion of section 5-B and 5-C in the Act:- After section 5-A of the Azad Kashmir Prevention of Corruption Act, 1950, the following new sections shall be inserted, namely:

'5-B. Declaration of Assets:- (1) When the Government, on

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receipt of information and after making such enquiries as it may deem necessary, is satisfied that there is reason to believe that any public servant or any other person on his behalf is in possession of pecuniary resources or property disproportionate to the known sources of income of such public servant it may, by order, require such public servant or other person to furnish in the prescribed manner and within the prescribed time a statement of his property and liabilities and such information relating thereto as may be required by the order.

If such public servant or person:-

(a) upon being so required by an order under sub-section (1) fails to furnish the statement or information or furnishes a statement or information which, he knows or his reasonable cause to believe to be false or not true in any material particular, or

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makes in any book, account, record, declaration, return

or other document, which he is required by an order under subsection (1) to furnish, any statement which he know or has reasonable cause to believe to be false or not true in any material particular, he shall be punishable with imprisonment for a term, which may extend to three years and shall also be liable to fine.

5-C. Possession of property disproportionate to known sources

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of income.- (1) Any public servant who has in his possession any property, movable or immovable, either in his own name or in the name of any other person, which there is reason to believe to have been acquired by improper means and which is proved to be disproportionate to the known sources, of income of such public servant shall, if he fails to account for such possession to the satisfaction of the Court trying him, be punishable with imprisonment for a term which may extend to seven years and with fine, and on such conviction the property found to be disproportionate to the known source of income of the accused by the Court shall be forfeited to the Government.

The reference in sub-section (1) to property acquired by improper means shall be construed as a reference to property acquired by means which are contrary to law or to any rule or instrument having the force of law or by coercion, undue influence, fraud or misrepresentation within the meaning of the Contract Act'.