

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD

Dated: 17.06.2010

No./LD/Legis./487-500/2010.The following Act of Assembly received

the assent of the President on 15th day of June, 2010, is hereby published
for general information.

(ACT V OF 2010)

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ACT

further to amend the Azad Jammu & Kashmir Ehtesab Bureau Act, 2001

WHEREAS it is expedient to further amend the Azad Jammu &

Kashmir Ehtesab Bureau Act, 2001 (Act I of 2001),in the manner
hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement:- (1) This Act may be called
the Azad Jammu and Kashmir Ehtesab Bureau (Third
Amendment) Act, 2010.

(2) it shall come into force at once and shall be deemed to have
taken effect from 13.06.2009.

2. Amendment of Section 4, (Act I of 2001). In the Azad Jammu
and Kashmir Ehtesab Bureau Act, 2001 (Act I of 2001)
hereinafter referred to as the said Act, in Section 4 after cause
(q), a new clause shall be added as under:-

“(qq) “Prescribed” means prescribed by rules made
under this Act.”

3. Amendment of Section 6, (Act I of 2001). In the said Act,
Section 6 shall be substituted as under:-

“6. Chairman of the Ehtesab Bureau:- (1) There may be a
Chairman of the Ehtesab Bureau to be appointed by the
President on such terms and conditions as may be
prescribed.

(2) No person shall be appointed as Chairman
Ehtesab Bureau unless he:-

(i) is or has been or is qualified to be appointed as judge of
the Supreme Court or the High Court; or

(ii) is or has been a civil servant of Azad Jammu and
Kashmir in BPS-21 or above.

Amendment of Section 7, (Act I of 2001)- In the said Act, Section 7 shall be substituted as under:-

“7, Deputy Chairman of the Ehtesab Bureau.- (1) There shall be a Deputy Chairman to be appointed by the President on such terms and conditions as may be prescribed.

(2) No person shall be appointed as Deputy Chairman Ehtesab Bureau unless he:-

(i) is eligible to be appointed as Judge High Court, or

(ii) is or has been a civil servant of Azad Jammu and Kashmir in BPS- 20 of above.”

Amendment of Section 16, (Act 1 of 2001).- In the said Act in

sub-section (1) of Section 16, for the word “21 years”, wherever occurring, the words “10 years”, shall be substituted.

Amendment of Section 21, (Act 1 to 2001).-In the said Act, in

Section 21:

(i) Clause (c) of sub-section (2) shall be omitted.
(ii) Sub-section (6) shall be substituted as under:-

“(6) — Any inquiry or investigation under this act shall be completed as expeditiously as possible.

Amendment of Section 28, (Act 1 to 2001).-In the said Act, in

Section 28, sub-section (1) shall be substituted as under:-

“(1) ~where at any time, whether before or after the commencement of trial, if accused voluntarily offers to return to the Government such assets or gains which have been acquired through corruption or corrupt practices, the Chairman Ehtesab Bureau shall after determining the amount of the assets or gains in consultation with the department or agency concerned, refer the case to the Ehtesab Court for its satisfaction over voluntary return by the Accused which shall pass suitable order for acceptance of such offer of plea bargain to be followed by release of Accused.”

Amendment of Section 32, (Act I of 2001).- In the said Act,

Section 32 shall be substituted as under:-

“32 Appointment of Officers and_staff_in_Ehtesab Bureau.- (1) Appointment to the posts of officers and staff in Ehtesab Bureau shall be made in the prescribed

manner.

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Volume XI (2001-2010)

(2) The officers and members of staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed.

(3) The provision of Azad Jammu and Kashmir Civil Servant Act, 1976 shall not apply to the persons appointed in Ehtesab Bureau.

(4) The terms and conditions of Civil Servants deputed to Ehtesab Bureau shall be regulated by Azad Jammu and Kashmir Civil Servants Act, 1976 and other laws applicable to Civil Servants.

(5) The Chairman or any authorized officer, with the approval of the President may engage any department, agency, official technical expert or any other person which he thinks proper for inquiry or investigation under this Act inside or outside Azad Jammu and Kashmir."

Amendment of Section 40, (Act I of 2001).- In the said act, sub-section (1) of Section 40, shall be substituted as under:-

"(1) Any order or final judgment of the Court shall be appealable in High Court within a period as may be prescribed in the Code."

Amendment of Section 42, (Act I of 2001).- In the said Act,

Section 42, shall be substituted as under:-

"42.power to make Rules.- The Government may make rules for carrying out the proposes of this Act."

Repeal.-The Azad Jammu and Kashmir Ehtesab Bureau (Third Amendment), Ordinance 2010 (Ordinance II of 2010) is hereby repealed.

Sd/-(Raja Muhammad Abbas Khan)

Secretary Law