

THE AZAD KASHMIR PREVENTION OF CORRUPTION

(AMENDMENT) ACT, 1956

(Passed under Council order No. 167/56 dated 17-5-1956)

Whereas it is necessary to amend the Azad Kashmir Prevention

of Corruption Act of 1950, it is hereby enacted as follows :-

1.

254

(i) This Act may be called the Azad Kashmir Prevention of Corruption Amendment Act, 1956.

(ii) It extends to the whole of Azad Kashmir Territory and to all servants of the Azad Kashmir Government wherever they may be,

In this Act unless there be anything repugnant in the subject or context, the expression :-

(a) 'Government' shall mean the Azad Kashmir Government.

(b) 'the Act' shall mean the Azad Kashmir Prevention of Corruption Act, 1950.

The Azad Kashmir Prevention of Corruption Act, 1950 shall be amended as follows :-

(i) The proviso to section 3 shall be omitted and a full-stop substituted for the colon occurring after the word 'therein'.

(ii) The following shall be substituted for sub-section (4) of Section 5 in the Act :-

"The provisions of this section shall in addition to and not in derogation of any other law for the time being in force and nothing contained herein shall exempt any public servant from any proceedings which might, apart from this section, be instituted against him."

(iii) The following shall be added as section 5-A in the Act :-
 "Notwithstanding anything contained to the contrary in the Code of Criminal Procedure, no officer below the rank of an Inspector of Police shall investigate any offence punishable under any of the sections of the Azad Kashmir Penal Code mentioned in section 3 or any offence punishable under

section 5 without an order of a Superintendent of Police or a Magistrate of the First Class nor make an arrest without such order or warrant as the case may be :

Provided that an officer of the Anticorruption Department not below the rank of a Sub-Inspector who is generally or specially authorised in this behalf by the Assistant Inspector General of Police, anti-Corruption or by the Inspector General of Police, may, if he has reason to believe that on account of the delay involved in obtaining the order of a Magistrate of the First Class or a Superintendent of Police, any valuable evidence relating to such offence is likely to be destroyed or concealed, investigate the offence without such order but in every case where he makes such investigation he shall, as soon as may be, send a report of the same to a Magistrate of the First Class or to the Superintendent of Police together with the circumstances in which the investigation was made."

(iv) Section 6 of the Act shall be omitted.