

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

MUZAFFARABAD

Dated: 20.11.1998.

No. 610-18/LD/Leg/98. The following Act of the Assembly received the assent of the President on 18.11.1998 is hereby published for general information:-

AN
ACT

(ACT VII OF 1998)

to amend the Ehtesab Act, 1997

WHEREAS it is expedient to amend the Ehtesab Act, 1997 (Act VI of 1997) in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called

the Ehtesab (Amendment) Act, 1998.

(2)

It shall come into force at once.

2. Amendment of Section 2 Act VI of 1997.- In the Ehtesab Act,

1997 (Act VI of 1997) hereinafter referred to as the said Act, in Section 2, in clause (J) for sub-clause (i) and (ii) the following shall be substituted:-

“@

(ii)

has been the President, Prime Minister, Minister or Adviser;

is or has held an office or Post of Special Assistant or Consultant to the Prime Minister, Speaker, Deputy Speaker, Parliamentary Secretary, Member of the Legislative Assembly or of the Council, Advocate General including Additional or Assistant Advocate General, Public Prosecutors, Additional Public Prosecutors, Chairman of Development Authorities, Mayor or Deputy Mayor of a Municipal Corporation, Chairman or Vice Chairman of District Council or

Municipal Committee, Zakat Council, Political Secretary
or holder of Post or office with rank or status of a
Minister;”

3. Amendment of Section 3, Act VI of 1997:-Inthe said Act, in

Section 3, for sub-section (3) the following shall be substituted.

“B)

A holder of public office accused of an offence under

this Act shall not be released on bail by the Court if there appear reasonable grounds for believing that he has been guilty of such an offence.”

Amendment of Section 12, Act VI of 1997.-In the said Act, in Section 12:-

(a) sub-section (2) shall be omitted.

(b) sub-section (3) shall be renumbered as sub-section (2) and in this sub-section the words and figure “or sub-section (2)” shall be omitted.

Amendment of Section 16, Act VI of 1997.- In the said Act, for sub-section (4) of Section 16, the following shall be substituted:-

“(4) The responsibility for enquiring into or investigating an offence alleged to have been committed under this Act shall rest upon the Ehtesab Cell under the supervision of Chief Ehtesab Commissioner and the said Cell shall be required to examine all material, evidence and proof, and for this purpose may cause the attendance of any person:

Provided that the Ehtesab Commission or Ehtesab Cell may require the assistance of any agency, Police Officer, other official or any other person if it so deems fit.”

Amendment of Section 19, Act VI of 1997.- In the said Act, in sub-section (1) of Section 19, for the word “with” occurring before the words “Chief Ehtesab Commissioner” the word “the” shall be substituted.

Amendment of Section 20, Act VI of 1997.- In the said Act, for sub-section (3) of Section 20, the following shall be substituted.

“(3) A holder of Public Office accused of an offence under this Act may be arrested, on the direction of Director General with the prior approval of the Chief Ehtesab Commissioner.”

8. Amendment of Schedule, Act VI of 1997.- In the said Act:-

(a) at the face of schedule, for the words “clause (i)” the words “clause (m)” shall be substituted.

(b) after item 12 the following new item (13 and 14) shall be added:-

“13. Offence punishable under the Criminal Law (Amendment) Act, 1956.

Volume X (1994-2000)

14. Offences punishable under the Anti-Corruption
Establishment Act, 1993”

Repeal:- The Ehtesab (amendment) Ordinance 1998 (XIX of
1998) is hereby repealed.

-Sd/- (Raja Niaz Ahmed Khan)

Secretary

Law, Justice & Parliamentary Affairs Department