

Volume X (1994-2000)
**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated: 29-10-1997.

No. 652-660/LD/Leg/97. The following Act of the Assembly received the assent of the President on the 25-10-1997 is hereby published for general information:-

(ACT XV OF 1997)

**AN
ACT**

to amend the Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir Act, 1992

WHEREAS it is expedient to amend the Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir, Act, 1992 (Act XIV of 1992) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement:-** (1) This Act may be called the Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir (Amendment) Act, 1997.
(2) It shall come into force at once.
2. **Amendment of Section 6, Act XIV of 1992:-** In the Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir Act, 1992 (Act XIV of 1992) hereinafter referred to as the said Act, in Section 6, after sub-section (1) the following new sub-sections (1-A), (1-B) and (1-C) shall be inserted:-
 - “(1-A) In addition to the remuneration fixed under sub-section (1), the Mohtasib shall be entitled to receive rupees three thousand per month as sumptuary allowance and rupees one thousand per month as maintenance of residence charges in case the Mohtasib resides at his own house.
 - (1-B) (a) Mohtasib shall be entitled to use:-
 - (i) an official car; and
 - (ii) a telephone one at office and one at residence;
 - (b) A Mohtasib who is a retired Judge of Supreme Court or High Court and he has availed the facility of car and driver after retirement, he shall not be entitled to get this facility again on completion of his tenure as Mohtasib.
 - (1-C) If a person, who is not a Judge of the High Court or Supreme Court is appointed as Mohtasib, his pay, allowances and other privileges shall be fixed by the

President under sub-section (1).

3. **Amendment of Section 9, Act XIV of 1992:-** In the said Act, in Section 9,-
 - (a) In sub-section (1), in clause (c), the fullstop at the end shall be substituted by a colon and thereafter the following new clauses (d) and (e) shall be inserted:-
 - “(d) relates to a time barred matter under the provisions of Limitation Act;
 - (e) directly affects the finances of Government, In such a case the Mohtasib shall examine the complaint and establish a prima facies case and get proper, specific and early information from the agency for financial implications involved in the case, before issuing order. The cases which have been decided by the Courts or any other forum or matters relating to the contract shall not be re-opened by the Mohtasib.
 - (b) in sub-section (2) between the words “Public Servants” and “or” the coma and words”, a Civil Servant” shall be inserted.
4. **Amendment of Section 10, Act XIV of 1992:-** In the said Act, in Section 10,-
 - (a) in sub-section (4), in the proviso, for the words “thirty days” the words “sixty days” shall be substituted; and
 - (b) after sub-section (4), the following new sub-section (4-A) shall added:-
 - “(4-A) When a complaint is received by the Mohtasib he shall examine the complaint, frame issues and thereafter ask agency or personal concerned to submit comments. If he is not satisfied with the reply of the agency, he shall hear the secretary to the Govt. concerned before passing any order.”
5. **Amendment of Section 14, Act XIV of 1992:-** In the said Act, in Section 14, in sub-section (1) after clause (d) a new clause (e) shall be added:-
 - “(e) the provisions of order XXXIX shall mutatis mutandis apply in case of temporary injunctions.”
6. **Amendment of Section 21, Act XIV of 1992:-** In the said Act, in Section 21, the Words “with the consent of the Government” shall be omitted.
7. **Omission of Section 16, Act XIV of 1992:-** In the said Act, Section 16 shall be omitted.
8. **Amendment of Section 32, Act XIV of 1992:-** In the said Act, in Section 32, between the words “Person” and “aggrieved” the

words “or agency” shall be inserted.

9. **Omission of Section 36, Act XIV of 1992:-** In the said Act, Section 36, shall be omitted.
10. **Repeal:-** The Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir (Amendment) Ordinance, 1997 (Ordinance VIII of 1997) and the Establishment of the Office of Mohtasib (Ombudsman) in Azad Jammu and Kashmir (Amendment) Ordinance, 1997 (Ordinance XXIX of 1997) are hereby repealed.

Sd/- (Justice Ifthikar Husnain Butt)
Secretary Law