

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.**

Dated the June 25, 1978.

No. 2356/SL/78. The following Ordinance made by the President on the 25<sup>th</sup> day of June, 1978, is hereby published for general information:-

(ORDINANCE. XLVI of 1978)

AN

ORDINANCE

to provide for law relating to the punishment for with-holding informations required by the Government for efficient conduct of an inquiry

WHEREAS it is expedient to provide for Law relating to the punishment for with-holding informations required by the Government for efficient conduct of an inquiry, in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Conduct of Enquiry (Punishment for withholding Informations) Ordinance, 1978.
  - (2) It extends to the whole of Azad Jammu and Kashmir and shall also apply to all State Subjects and persons in the service of Azad Jammu and Kashmir wherever they may be.
  - (3) It shall come into force at once.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context,-
  - (a) 'Chief Executive' means the Chief Executive of Azad Jammu and Kashmir;

- (b) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- (c) 'Order' includes directions and letters of any kind;
- (d) 'Service of Azad Jammu and Kashmir' means the service of Azad Jammu and Kashmir, as defined in the Azad Jammu and Kashmir Interim Constitution Act, 1974.

3. **Power to obtain information:-** (1) Notwithstanding anything contained in any other law for the time being in force the Government, or a person authorised by it in this behalf, may by order require any person to furnish or produce to any specified authority or person any such information or document in his possession or under his control as may be specified in the or the person order being information or document which the Government authorised by it consider it necessary or expedient for efficient conduct of inquiry by an Inquiry Commission.

(2) If any person withholds or fails to furnish any information or document in compliance with an order made under sub-section (1), he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

**False statement:-** If any person;-

- (i) when required by or under the provisions of this Ordinance to make any statement or furnish any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or
- (ii) makes any such statement as aforesaid in any account, declaration or other document which he is required by or under the provisions of this Ordinance to furnish, he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine or with both.

4. **Power to require production of books etc:-** (1) Where any person is required by or under any of the provisions of this Ordinance to make any statement or furnish any statement or furnish any information to any authority that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to

produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under subsection (1), he shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

5. **Cognizance of contraventions of the provisions of this Ordinance:-** (1) No Court or Tribunal shall take cognizance of any contravention of the provisions of this Ordinance or of any Order made thereunder except on a report in writing of the facts constituting such contravention, made by the Chief Executive.

(2) Offence under this Ordinance shall be non-cognizable and bailable and shall be triable by a Magistrate of the First Class under the Code of Criminal Procedure.

6. **Indemnity:-** No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Ordinance.

7. **Power to make rules:-** The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

8. **Repeal.-** The Conduct of Inquiry (Punishment for with-holding Informations) (Amendment) Ordinance, 1978 (Ordinance XVI of 1978) is hereby repealed.

(Mohammad Ibrahim Khan)  
President,  
Azad Jammu & Kashmir.

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Sd/- (Sardar Aftab Ahmed Khan)  
Secretary Law.