

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

Dated the 7th June, 1980.

No. 3237/LD/80. The following Ordinance made by the President on the 4th day of June, 1980, is hereby published for general information:-

(ORDINANCE XCIII OF 1980)

AN

ORDINANCE

to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices

WHEREAS it is expedient to provide for the protection of the legitimate rights and interests of the citizens in their dealings with public servants and other functionaries and to improve the efficiency of public services and suppress corrupt practices;

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 Azad Jammu and Kashmir Administrative Vigilance Commission Ordinance, 1980.
 - (2) It shall come into force at once.
 - (3) It extends to the whole of Azad Jammu and Kashmir.
 - (4) It shall apply to -
 - (a) All agencies, public servants and other functionaries under the administrative control of the Government; and
 - (b) Such agencies, public servants and other functionaries operating or working in the Azad Jammu and Kashmir as are under the administrative control of the Council but in respect of whom the Council authorizes the Commission to exercise powers under the provisions of this Ordinance :

Provided that the Government may by notification exempt specified public servants, other

functionaries are agencies from the operation of all or any of the provisions of this Ordinance.

2. **Definitions.-** In this Ordinance unless the subject or context requires otherwise.-

- (i) 'administrative excess' means a decision, recommendation, act or omission which –
 - (a) is contrary to law, rules, regulations or established practice; or
 - (b) is patently perverse, unreasonable, unjust, biased, oppressive, or discriminatory; or
 - (c) is based on irrelevant grounds; or
 - (d) involves the exercise of power or the failure or refusal to do so, for corrupt or improper motives; or
 - (e) has been unduly delayed or withheld.
- (ii) 'agency' means a department or office of Government or any of its units or branches and includes a local body, a statutory corporation established, or a company whole or partly controlled, by Government, and any officer, employee or member thereof acting or purporting to act in exercise of his duties
- (iii) 'Chairman' means the Chairman of the Commission;
- (iv) 'Commission' means the Azad Jammu and Kashmir Administrative Vigilance Commission;
- (v) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- (vi) 'member' means member of the Commission;
- (vii) 'Ordinance' means the Azad Jammu and Kashmir Administrative Vigilance Commission Ordinance, 1980 ;
- (viii) 'President' means the President of Azad Jammu and Kashmir ;
- (ix) 'Public servant' means a public servant as defined in Section 21 of the Penal Code, 1860 (XLV of 1860) and includes a Minister, Advisor and also the Chairman, Managing Director, Director or other officer or employee of a statutory corporation or a company referred to in clause (ii), appointed by or with the approval of Government or paid out of the fund of such corporation or company.

CHAPTER-II
CONSTITUTION OF THE COMMISSION

3. (1) There shall be established a Commission to be known as the Azad Jammu and Kashmir Administrative Vigilance Commission.
(2) The Commission shall act independently and shall not be subject to the direction of any executive authority.
4. (1) The Commission shall consist of a Chairman and such number or members as may be determined by the President.
(2) The Chairman and the Members shall be appointed by the President:
 Provided that no person shall be appointed as Chairman or member who belongs to any political party or is involved in any political activity.
(3) The Chairman and the members shall hold office during the pleasure of the President.
(4) The seniority amongst members shall be determined in the prescribed manner.
5. (1) The Chairman shall carry the status of a Minister/Advisor and shall receive such salary, allowances and other benefits as may be determined by the President.
(2) A member shall carry such status as may be determined by the President in consultation with the Chairman and shall receive such salary allowances and other benefits as may be determined by the President.
6. When a temporary vacancy occurs in the office of the Chairman, the senior most members shall act as the Chairman till the appointment of a regular incumbent.
7. The Commission may, whenever it thinks fit, establish vigilance committees or other committees at specified places for carrying out such functions of the Commission as are assigned to them by the Commission.
8. (1) The Chairman shall be the Chief Executive of the Commission.
(2) The Commission shall regulate its own procedure for the conduct of its business or the exercise of its powers.
(3) The Chairman may distribute the work of the Commission amongst its members and may from time to time vary such distribution.