

**THE AZAD KASHMIR PUBLIC CONDUCT (SCRUTINY) ACT,
1959**

(Passed under Government Order No. 326/59 dated 22-6-59)

(ACT III OF 1959)

Whereas it is expedient to provide for the constitution, powers and procedure of Committees appointed to scrutinize the conduct of certain persons, it is hereby enacted as follows :-

1. **Short title, extent and commencement:-** (1) This Act may be called the Azad Kashmir Public Conduct (Scrutiny) Act, 1959.

(2) It extends to the whole of Azad Kashmir and applies to all persons mentioned in Section 2 wherever they may be.

(3) It shall come into force at once.
2. **Application :** This Act applies to all persons in the Civil employ of Azad Kashmir Government including Judges of the High Court.
3. **Power to appoint Committees :** If the Government sees fit to do so it may constitute or direct to be constituted one or more Committees, sole or corporate, to scrutinize the conduct of any person to whom this Act applies and record a finding thereon and to make a recommendation as to punishment or other action.
4. **Orders to be passed upon a finding :** Every finding recorded by a Committee under Section 3 shall together in the case of a finding against the person concerned, with the recommendation provided for in that section be submitted to the authority by which the person concerned was appointed, hereinafter called the appointing authority, and that authority shall pass orders thereon according to law.
5. **Powers of Committee:** The Committee shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-
 - (a) summoning and enforcing the attendance of any person and examining him on oath ;
 - (b) requiring the discovery and production of any documents ;
 - (c) receiving evidence on affidavit ;
 - (d) issuing commissions for the examination of witnesses and documents.
5. **Further powers of Committee :** (1) A Committee shall

have power to require any person, subject to any privileges which may be claimed by that person under any law for the time being in force, to furnish such information as, in the opinion of the Committee, may be of assistance to it in the carrying out of its scrutiny.

(2) The Committee may, by an order in writing, direct any gazetted, police officer to enter any building or place where it has reason to believe that any books of account or other documents (whether they have to do with accounts or not) relating to any matter before it may be found and may, in the said order, direct him to seize such books or documents or to take copies thereof or of any part thereof, and the provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to the proceedings of such officer.

(3) A Committee shall be deemed to be a Civil Court and when any offence as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Pakistan Penal Code as in force in Azad Kashmir, is committed in the view or presence of the Committee it may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898, forward the case to a Magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under Section 482 of the Code of Criminal Procedure, 1898.

(4) Every proceeding before the Committee shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Pakistan Penal Code.

(5) The Committee shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908, in respect of requisitioning any public record or copy thereof from any Court or office.

7. **Procedure to be followed by the Committee :** The Committee

shall, subject to any rules under the Act, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and, in the case of a corporate Committee, may act, notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

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

9. **Power to order investigation :** A Committee shall have power to order a police investigation into any matter in respect of any case coming before it.
 10. **Bar of jurisdiction :** No order, proceeding or finding of a Committee or of any appointing authority shall be questioned in any Court.
 11. **Power to give directions :** The Government, or such authority as it may appoint by general or special order, may give directions to a Committee as to its policy or procedure and in the discharge of its functions the Committee shall be guided by those directions.
 12. **Reference before Committee :** Whenever a person to whom this Act applies appears before a Committee he shall appear personally and by himself and no friend, advisor or legal practitioner shall be present with him.
- ¹[13.(1) Notwithstanding anything contained to the contrary in any law, rule or order for the time being in force, the following punishments may be imposed upon a person to whom this Act applies if he is found to be corrupt or guilty of conduct contrary to good order or unbecoming his office or employment or inefficient as defined in Rule 2 of the Azad Kashmir Public Conduct (Scrutiny) Rules, 1959, by the appointing authority or by an authority not subordinate to that by which he was appointed :-
- (a) Censure.
 - (b) Fine not exceeding one month's pay.
 - (c) Withholding of increments or promotion including stoppage at an efficiency bar.
 - (d) Reduction to a lower post or time-scale or to a lower stage in a time scale.
 - (e) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.
 - (f) Suspension.
 - (g) Compulsory retirement before attainment of the age of superannuation.
 - (h) Removal from the Service of the State, which does not disqualify from future employment.
 - (i) Dismissal from the service of the State which

¹ Add. by the Azad Kashmir Public Conduct Scrutiny (Amdt.) Act, 1959 (A ct V of 1959) dt. 2-11-1959.

ordinarily disqualifies from future employment.

Explanation :-

The discharge: -

- (i) of a person appointed on probation, during the period of probation ;
 - (ii) of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment ;
 - (iii) of a person engaged under contract in accordance with the terms of his contract; does not amount to removal or dismissal within the meaning of this Section.
- (2) Any person liable to be compulsorily retired for any cause mentioned in sub-section (1) may be retired on such pension (if any) as may be admissible to him proportionate or otherwise.]
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